United Nations S/2003/380

Security Council

Distr.: General
27 March 2003

Original: English

Draft resolution

The Security Council,

Reaffirming its previous resolutions on Afghanistan, in particular its resolution 1401 (2002) establishing the United Nations Assistance Mission in Afghanistan (UNAMA),

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and national unity of Afghanistan, as well as its endorsement of the Kabul Declaration of 22 December 2002 on Good-Neighbourly relations (S/2002/1416) and its call on all States to respect and support the implementation of its provisions,

Recognizing the Transitional Administration as the sole legitimate government of Afghanistan pending democratic elections by June 2004 and *reiterating* its strong support for the full implementation of the Agreement on provisional arrangements in Afghanistan pending the re-establishment of permanent government institutions, signed in Bonn on 5 December 2001 (S/2001/1154) (the Bonn Agreement), in particular its annex 2 regarding the role of the United Nations during the interim period,

Also recognizing that the United Nations must continue to play its central and impartial role in the international efforts to assist the Afghan people in consolidating peace in Afghanistan and rebuilding their country,

1. *Decides* to extend UNAMA for an additional period of 12 months from the date of adoption of this resolution;

2. *Welcomes* the report of the Secretary-General of 18 March 2003 (S/2003/333) and the recommendations contained therein and *endorses* the Secretary-General's proposal that an electoral unit be established within UNAMA, and *encourages* Member States support the United Nations electoral activities in Afghanistan;

3. *Stresses* that the continued provision of focused recovery and reconstruction assistance can contribute significantly to the implementation of the Bonn Agreement and, to this end, urges bilateral and multilateral donors to coordinate closely with the Special Representative of the Secretary-General and the Transitional Administration, in particular through the Afghan Consultative Group Process;

4. *Stresses* also, in the context of paragraph 3 above, that while humanitarian assistance should be provided wherever there is a need, recovery or

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reconstruction assistance ought to be provided, through the Transitional Administration, and implemented effectively, where local authorities demonstrate a commitment to maintaining a secure environment, respecting human rights and countering narcotics;

5. *Reaffirms* its strong support for the Special Representative of the Secretary-General and the concept of a fully integrated mission and *endorses* the Special Representative of the Secretary-General's full authority, in accordance with its relevant resolutions, over all United Nations activities in Afghanistan;

6. *Requests* UNAMA, with the support of the Office of the United Nations High Commissioner for Human Rights, to continue to assist the Afghan Independent Human Rights Commission in the full implementation of the human rights provisions of the Bonn Agreement and the National Human Rights Programme for Afghanistan, in order to support the protection and development of human rights in Afghanistan;

7. *Calls upon* all Afghan parties to cooperate with UNAMA in the implementation of its mandate and to ensure the security and freedom of movement of its staff throughout the country;

8. *Requests* the International Security Assistance Force, in implementing its mandate in accordance with resolution 1444 (2002) of 27 November 2002, to continue to work in close consultation with the Secretary-General and his Special Representative;

9. *Requests* the Secretary-General to report to the Council every four months on the implementation of this resolution;

10. *Decides* to remain actively seized of the matter.

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Security Council

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28 March 2003

Original: English

Angola, Bulgaria, Cameroon, Chile, China, France, Germany, Guinea, Mexico, Pakistan, Russian Federation, Spain, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The Security Council,

Noting that under the provisions of Article 55 of the Fourth Geneva Convention (Geneva Convention Relative to the Protection of Civilian Persons in Time of War of August 12, 1949), to the fullest extent of the means available to it, the Occupying Power has the duty of ensuring the food and medical supplies of the population; it should, in particular, bring in the necessary foodstuffs, medical stores and other articles if the resources of the occupied territory are inadequate,

Convinced of the urgent need to continue to provide humanitarian relief to the people of Iraq throughout the country on an equitable basis, and of the need to extend such humanitarian relief measures to the people of Iraq who leave the country as a result of hostilities,

Recalling its previous relevant resolutions, and in particular resolutions 661 (1990) of 6 August 1990, 986 (1995) of 14 April 1995, 1409 (2002) of 14 May 2002, and 1454 (2002) of 30 December 2002, as they provide humanitarian relief to the people of Iraq,

Noting the decision made by the Secretary-General on 17 March 2003 to withdraw all United Nations and international staff tasked with the implementation of the "Oil-for-Food" Programme (hereinafter "the Programme") established under resolution 986 (1995),

Stressing the necessity to make every effort to sustain the operation of the present national food basket distribution network,

Stressing also the need for consideration of a further reassessment of the Programme during and after the emergency phase,

Reaffirming the respect for the right of the people of Iraq to determine their own political future and to control their own natural resources,

Reaffirming the commitment of all Member States to the sovereignty and territorial integrity of Iraq,

Acting under Chapter VII of the Charter of the United Nations,

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1. *Requests* all parties concerned to strictly abide by their obligations under international law, in particular the Geneva Conventions and the Hague Regulations, including those relating to the essential civilian needs of the people of Iraq, both inside and outside Iraq;

2. *Calls on* the international community also to provide immediate humanitarian assistance to the people of Iraq, both inside and outside Iraq in consultation with relevant States, and in particular to respond immediately to any future humanitarian appeal of the United Nations, and supports the activities of the International Committee of the Red Cross and of other international humanitarian organizations;

3. *Recognizes* that additionally, in view of the exceptional circumstances prevailing currently in Iraq, on an interim and exceptional basis, technical and temporary adjustments should be made to the Programme so as to ensure the implementation of the approved funded and non-funded contracts concluded by the Government of Iraq for the humanitarian relief of the people of Iraq, including to meet the needs of refugees and internally displaced persons, in accordance with this resolution;

4. *Authorizes* the Secretary-General and representatives designated by him to undertake as an urgent first step, and with the necessary coordination, the following measures:

(a) to establish alternative locations, both inside and outside Iraq, in consultation with the respective governments, for the delivery, inspection and authenticated confirmation of humanitarian supplies and equipment provided under the Programme, as well as to re-direct shipments of goods to those locations, as necessary;

(b) to review, as a matter of urgency, the approved funded and non-funded contracts concluded by the Government of Iraq to determine the relative priorities of the need for adequate medicine, health supplies, foodstuffs and other materials and supplies for essential civilian needs represented in these contracts which can be shipped within the period of this mandate, to proceed with these contracts in accordance with such priorities;

(c) to contact suppliers of these contracts to determine the precise location of contracted goods and, when necessary, to require suppliers to delay, accelerate or divert shipments;

(d) to negotiate and agree on necessary adjustments in the terms or conditions of these contracts and their respective letters of credit and to implement the measures referred to in paragraph 4 (a), (b) and (c), notwithstanding distribution plans approved under the Programme;

(e) to negotiate and execute new contracts for essential medical items under the Programme and to authorize issuance of the relevant letters of credit, notwithstanding approved distribution plans, provided that such items cannot be delivered in execution of contracts pursuant to paragraph 4 (b) and subject to the approval of the Committee established pursuant to resolution 661 (1990);

(f) to transfer unencumbered funds between the accounts created pursuant to paragraphs 8 (a) and 8 (b) of resolution 986 (1995) on an exceptional and reimbursable basis as necessary to ensure the delivery of essential humanitarian

supplies to the people of Iraq and to use the funds in the escrow accounts referred to in paragraphs 8 (a) and (b) of resolution 986 (1995) to implement the Programme as provided for in this resolution, irrespective of the phase in which such funds entered the escrow accounts or the phase to which those funds may have been allocated;

(g) to use, subject to procedures to be decided by the Committee established by resolution 661 (1990) prior to the end of the period set out in paragraph 10 below and based on recommendations provided by the Office of the Iraq Programme, funds deposited in the accounts created pursuant to paragraphs 8 (a) and (b) of resolution 986 (1995), as necessary and appropriate, to compensate suppliers and shippers for agreed additional shipping, transportation and storage costs incurred as a result of diverting and delaying shipments as directed by him according to the provisions of paragraph 4 (a), (b) and (c) in order to perform his functions set out in paragraph 4 (d);

(h) to meet additional operational and administrative costs resulting from the implementation of the temporarily modified Programme by the funds in the escrow account established pursuant to paragraph 8 (d) of resolution 986 (1995) in the same manner as costs arising from those activities set forth in paragraph 8 (d) of resolution 986 (1995) in order to perform his functions set out in (d);

(i) to use funds deposited in the escrow accounts established pursuant to paragraphs 8 (a) and 8 (b) of resolution 986 (1995) for the purchase of locally produced goods and to meet the local cost for essential civilian needs which have been funded in accordance with the provisions of resolution 986 (1995) and related resolutions, including, where appropriate, the costs of milling, transportation and other costs necessary to facilitate the delivery of essential humanitarian supplies to the people of Iraq;

5. *Expresses* its readiness as a second step to authorize the Secretary-General to perform additional functions with the necessary coordination as soon as the situation permits as activities of the Programme in Iraq resume;

6. *Expresses further* its readiness to consider making additional funds available, including from the account created pursuant to paragraph 8 (c) of resolution 986 (1995), on an exceptional and reimbursable basis, to meet further the humanitarian needs of the people of Iraq;

7. *Decides* that, notwithstanding the provisions of resolution 661 (1990) and resolution 687 (1991) and for the duration of the present resolution, all applications outside the Oil-for-Food Programme submitted by the United Nations agencies, programmes and funds, other international organizations and non-governmental organizations (NGOs) for distribution or use in Iraq of emergency humanitarian supplies and equipment, other than medicines, health supplies and foodstuffs, shall be reviewed by the Committee established pursuant to resolution 661 (1990), under a 24-hour no-objection procedure;

8. *Urges* all parties concerned, consistent with the Geneva Conventions and the Hague Regulations, to allow full unimpeded access by international humanitarian organizations to all people of Iraq in need of assistance and to make available all necessary facilities for their operations and to promote the safety, security and freedom of movement of United Nations and associated personnel and their assets, as well as personnel of humanitarian organizations in Iraq in meeting such needs;

9. *Directs* the Committee established pursuant to resolution 661 (1990) to monitor closely the implementation of the provisions in paragraph 4 above and, in that regard, requests the Secretary-General to update the Committee on the measures as they are being taken and to consult with the Committee on prioritization of contracts for shipments of goods, other than foodstuffs, medicines, health and water sanitation related supplies;

10. *Decides* that the provisions contained in paragraph 4 of this resolution shall remain in force for a period of 45 days following the date of adoption of this resolution and may be subject to further renewal by the Council;

11. *Requests* the Secretary-General to take all measures required for the implementation of the present resolution and to report to the Security Council prior to the termination of the period defined in paragraph 10;

12. *Decides* to remain seized of the matter.

United Nations S/2003/382

Security Council

Distr.: General
28 March 2003
English
Original: French

Letter dated 28 March 2003 from the President of the Security Council addressed to the Secretary-General

I have the honour to inform you that your letter dated 6 March 2003 (S/2003/290), by which you forwarded to the Security Council the 26 nominations for *ad litem* judges of the International Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 received from States Members of the United Nations and non-member States maintaining permanent observer missions at United Nations Headquarters within the period specified in paragraph 1 (b) of article 12 ter of the Statute of the Tribunal, has been brought to the attention of the Security Council.

The Council took note of the information contained therein and has decided to extend the deadline for the nomination of *ad litem* judges for the Tribunal until 15 April 2003.

I should be grateful if you would inform States Members of the United Nations and non-member States maintaining permanent observer missions at United Nations Headquarters accordingly.

(*Signed*) Mamady **Traoré**
President of the Security Council

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United Nations S/2003/383

Security Council

Distr.: General
31 March 2003

Original: English

Letter dated 25 March 2003 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 3 September 2002 (S/2002/996).

The Counter-Terrorism Committee has received the attached supplementary report from the Lao People's Democratic Republic submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

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Annex

Letter dated 20 March 2003 from the Permanent Representative of the Lao People's Democratic Republic to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

I have the honour to transmit herewith the response of the Government of the Lao People's Democratic Republic concerning its report on measures to combat terrorism submitted pursuant to Security Council resolution 1373 (2001) (see enclosure).

I should be grateful if you could arrange for this response to be circulated as a document of the Security Council.

(*Signed*) Alounkèo **Kittikhoun**
Ambassador
Permanent Representative of the Lao People's
Democratic Republic to the United Nations

Enclosure

Responses of the Government of the Lao People's Democratic Republic to the questions received from the Counter-Terrorism Committee Pursuant to Security Council resolution 1373 (2001)

Paragraph 1

- **Please describe the legal and other measures available to comply with the requirements of this paragraph of the Resolution. Please provide answer in respect of each sub-paragraph.**

Terrorism is a new concept for the legal system of many countries. Legal measures to prevent and suppress terrorism are important concerns. Today in the Lao People's Democratic Republic (Lao PDR), we do not have specific legal measures to ensure the implementation of paragraph 1 of UNSC Resolution 1373, in particular, laws to prevent and suppress the financing, either directly or indirectly, of terrorist movements, individuals and entities. But the Lao PDR has its Constitution, the Penal Law, the Criminal Procedure Law and other measures, all of which form an important basis for ensuring proper implementation of this Resolution. For example, the Bank of the Lao PDR has issued Order Number 307/BL, dated 11/12/2001 to all commercial banks operating in the Lao PDR to check for accounts and incoming and outgoing financial transactions involving terrorist individuals and organizations as presented in the list provided by the United States Embassy in the Lao PDR. This checking process has occurred eleven times up to now. The results of the checking of banks have disclosed no funds nor assets in the bank or through the banking network in the Lao PDR that are associated with terrorists or used to support terrorist activities. The Bank of the Lao PDR has set up a unit to perform the checking process and to monitor incoming and outgoing banking network transactions of US$10,000 or over.

- **Could the Lao People's Democratic Republic outline the existing or proposed laws and regulations, which aim at preventing, suppressing and criminalizing the financing of terrorist acts?**

The Lao PDR does not have laws and regulations aimed specifically at preventing, suppressing and criminalizing the financing of terrorist acts. In the future, the banking sector plans to create a decree on money laundering, which will prevent legalization or utilization of illegal money and assets for supporting terrorist acts. After creating this decree, if there is a necessity to draft further laws or specific regulations criminalizing the financing of terrorist acts, the Lao PDR will consider taking this action within the regional context.

- **Which is the authority responsible for oversight over banks in the Lao People's Democratic Republic?**

The Bank of the Lao PDR, which is the central bank, is the authority responsible for oversight over banks in the Lao PDR.

- **Please explain what is meant by "liaisons" in part II of the report.**

The word "liaisons" which is mentioned in part II of the initial report of the Lao PDR means all commercial banks, including their head offices and branches, which are under the oversight of the Bank of the Lao PDR.

- **Do informal banking networks exist in the Lao People's Democratic Republic? Please outline the legal provisions regulating them, if any.**

In the Lao PDR, we do not have informal banking networks, but there are small-scale informal credit schemes and the external banking exchange of foreign currencies. These activities are considered illegal as the Bank of the Lao PDR has not authorized them. Regulations managing commercial banks and foreign currencies contain oversight clauses on illegal activities, for example, measures on fines and the implementation of legal procedures against those persons who conduct unauthorized and illegal banking operations or foreign currency exchanges.

- **What are the legislative provisions and procedures that enable the economic and financial system of the Lao People's democratic Republic to guard against operations carried out by persons or entities that are involved, or suspected of being involved, in criminal activities, especially terrorist activities or activities in support of terrorism? If there are none, are any planned?**

Today, the Lao PDR does not have any regulations or legal procedures to enable the economic and financial systems to guard against operations carried out by persons or entities that are involved, or suspected of being involved, in criminal activities, especially terrorist activities or activities in support of terrorism. But, in the future, the Lao PDR plans to create a decree on money laundering, as stated above, aimed at countering money laundering of all types.

Paragraph 2

- **Please describe the legal and other measures available to comply with the requirements of this paragraph of the Resolution. Please provide answers in respect of each sub-paragraph.**

Many articles of the Constitution and of the Penal Law of the Lao PDR fulfill the requirements as stipulated in paragraph 2, Resolution 1373.

In the **Constitution, Article 38** states:
" The Lao People's Democratic Republic grants asylum to foreigners who are persecuted for their struggle for freedom, justice, peace or for their scientific activities"

In the **Penal Law**, the following articles apply:

Article 16: Participation in Infraction
" Participation in infraction consists of voluntary participation in an intentional infraction by two or more persons. Participants of infraction are the authors, implementing, inciting and assisting persons.

1. The author is the one who has planned, organized or given instructions to commit the infraction,
2. The perpetrator is the one who has directly committed the infraction;
3. Inceptors are persons pushing other to commit infraction;
4. Accomplices are persons who have given voluntary assistance in the infraction or prior agreement to hide the offender, instruments, and tools of infraction, to efface traces of the infraction or to conceal proceeds from such infraction.

Article 51 (New): Treason to the Nation

" A Lao citizen in contact and cooperating with aliens or foreign organizations for the purpose of undermining the independence, sovereignty, territorial integrity, grand political causes, defense and security, economy, culture and society of the Lao People's Democratic Republic shall be punished by ten to twenty years of imprisonment and shall be fined from Kip 10.000.000 to Kip 500.000.000, with the possibility that his/her assets may be confiscated as provided under article 32 of this law and be placed under house arrest or life imprisonment or capital punishment".

Article 52 (New): Rebellion

" Any person participating in activities causing commotion in view of overthrowing or weakening the administration shall be punished by imprisonment from ten to twenty years and fined from Kip 10.000.000 to Kip 500.000.000, with the possibility that their assets may be confiscated as provided under article 32 of this law and placed under house arrest, or life imprisonment or capital punishment. Any preparation and attempt to commit such offense shall also be punished".

Article 53 (New): Spying

" Aliens, foreign residents or stateless persons gathering intelligence or documents of state or official confidential nature for the purpose of damaging or undermining the Lao People's Democratic Republic shall be punished by imprisonment from eight to twenty years and fined from Kip 5.000.000 to Kip 300.000.000. Such persons may furthermore have their assets confiscated as provided under Article 32 of this law, placed under house arrest or life imprisonment or subject to capital punishment.

Persons gathering intelligence or state or official document of a confidential nature for the purpose of relaying to Lao rebels carrying out activities undermining the Lao People's Democratic Republic shall be punished by imprisonment from five to ten years and fined from Kip 5.000.000 to Kip 200.000.000. Furthermore, their assets may be confiscated as provided under article 32 of this law and such persons placed under house arrest.

Lao citizens gathering intelligence or state or official documents of a confidential nature for the purpose of relaying to aliens or foreign organizations as information to damage or undermine the Lao People's Democratic Republic shall be considered as committing a treason against the nation and shall be punished as provided under article 51 of this law.

Attempts to commit such offense shall also be punished."

Article 54 (New): Territorial Violation Affecting National Security

" Armed persons violating the territory of the Lao People's Democratic Republic and thereby affecting the national security shall be punished by imprisonment from five to fifteen years and shall be fined from Kip 3.000.000 to Kip 150.000.000. Attempt to commit such an offense shall also be punished."

Article 55 (New): Attempt on Life

" Any person physically harming leaders of the Lao people's Democratic Republic with the purpose of undermining or weakening the state authority shall be punished by imprisonment from ten to twenty years and shall be fined from Kip 10.000.000 to Kip 150.000.000. Where such physical harm results in death, the offender shall be punished with life imprisonment or execution.

Any person causing physical harm to representatives of the State authority, civil servants, persons performing the activities of state or social organizations with the aim of weakening the state authority shall be punished by five to ten years of imprisonment and shall be fined from Kip 5.000.000 to Kip 50.000.000. Where such physical harm results in death, the punishment shall include from ten to twenty years of imprisonment and a fine from Kip 10.000.000 to 100.000.000 or life imprisonment or execution.

Any person physically harming a foreign representative with the aim of dividing and undermining international relations or causing acts of war shall be punished by eight to twenty years of imprisonment and fined from Kip 7.000.000 to Kip 100.000.000. Where such physical harm results in death, the punishment shall be increased to ten to twenty years of imprisonment and a fine between Kip 10.000.000 to Kip 150.000.000 or life imprisonment or execution.

In addition to the above punishments, penalties may include the confiscation of assets as provided under article 32 of this law and house arrest.

Any preparation and attempts to commit such an offense shall be punished."

Article 56 (New): Destruction

" Persons destroying, undermining, burning plants and factories, offices, agencies, roads, communication and transport vehicles, telecommunication equipment and other important economic bases with the intention to weaken the state and the national economy, releasing toxic chemicals or viruses among communities or animals shall be punished by eight to twenty years of imprisonment and fined from Kip 5.000.000 to Kip 100.000.000. Furthermore, their assets may be confiscated as provided under article 32 of this law, their residence restricted, and such persons may be sentenced to life imprisonment or execution."

Article 57 (New): Destruction of State or Social Undertakings

"Any person responsible for the destruction of industrial, trade, transport, agricultural, financial economic base and activities of state and social organizations through acts or failure to act or internal division by using his/her position to weaken the State and undermine the national economy shall be punished by five to twenty years of imprisonment and a fine of Kip 3.000.000 to Kip 100.000.000. Furthermore, his/her assets may be confiscated as provided under article 32 of this law; the person may be placed under house arrest, sentenced to life imprisonment or execution.

Any preparation and attempts to commit such crime shall also be punished."

Article 58 (New): Forgery of Bank Notes or Use of the Forged Bank Notes

"Any person using printing equipment or other means to forge bank notes, foreign currencies or importing forged bank notes for circulation in the Lao People's Democratic Republic shall be punished by five to fifteen years of imprisonment and shall be fined from Kip 10.000.000 to Kip 150.000.000.

Offenders forging bank notes or importing forged bank notes through an organization or in substantial quantity shall be punished by ten to twenty years of imprisonment and shall be fined from Kip 20.000.000 to Kip 300.000.000.

Any preparation and attempts to commit such offence shall also be punished. A person knowingly making use of forged bank notes shall be punished by three months to five years of imprisonment and shall be fined from Kip 2.000.000 to Kip 5.000.000.

A person knowingly having forged bank notes in his/her possession but failing to notify the authorities shall be punished by three months to two years of imprisonment and shall be fined from Kip 100.000 to Kip 500.000".

Article 59 (New): Propaganda against the Lao People's Democratic Republic

"Persons conducting propaganda activities against and slandering the Lao People's Democratic Republic; distorting the guidelines of the Party and the policy of the Government; circulating false rumors causing disorders by words, in writing, through prints, newspaper; motion pictures, videos, photos, documents or other contents detrimental to the Lao People's Democratic Republic for the purpose of weakening the State authority shall be punished by one to five years of imprisonment and shall be fined from Kip 500.000 to 10.000.000."

Article 60 (New): Division of Solidarity

"Any person dividing or causing resentment between ethnic groups and social strata with the intention to undermine national solidarity shall be punished by one to five years of imprisonment and shall be fined from Kip 500.000 to Kip 10.000.000".

Article 61 (New): Civil Commotion

"Any person enrolled in an armed organization attacking and destroying plants and factories, offices social organizations or taking civil servants and civilians as prisoners or killing them, or robbing state, collective, individual property with the intention to undermine the foundations of social order shall be punished by five to twenty years of imprisonment and fined from Kip 5.000.000 to Kip 100.000.000. Furthermore, his/her property may be confiscated as provided under article 32 of this law, the person may be sentenced to restricted residence or life imprisonment or execution.

Any preparation and attempts to commit the offense shall also be punished."

Article 150 (New): Forgery of Documents or Use of Forged Documents

"The forgery of documents, signatures, seals, deletion or addition of wording to documents is punishable by three months to two years of imprisonment and fines from Kip 200.000 to Kip 2.000.000.

The use of forged documents knowingly is punishable by three months to two years of imprisonment and a fine from Kip 200.000 to Kip 2.000.000.

In the case of substantial loss due to the forgery or use of forged documents, the punishment is from two to five years imprisonment and a fine from Kip 500.000 to Kip 10.000.000".

Article 154 (New): Concealment of Offense

"A witness to an offense without any previous agreement with the offender but failing to report to the authorities shall be punishable by three months to two years of imprisonment or reformatory measures without privation of liberty and a fine from Kip 200.000 to Kip 2.000.000".

Article 155 (New): Concealment of Offender

" A person having not previously agreed with an offender and providing shelter or assistance to such offender to evade arrest or trial shall be punishable by three months to five years of imprisonment or reformation without privation of liberty and a fine from Kip 300.000 to Kip 5.000.000".

In the **Criminal Procedure Law**, the following articles apply:

Article 26: Events and Basis for the Commencement of Investigation-Interrogation in Criminal Cases

" Cases for the commencement of investigation-interrogation in criminal cases consist of :

1. A citizen, office, enterprise, organization or an employee's suit or a complaint regarding an offense. Such a suit or complaint is to be submitted to an investigating-interrogating official or the public prosecutor
2. The voluntary submission of the offender
3. The discovery of evidence of wrong doing by the investigating - interrogating office, public prosecutor, or court.

There shall be commencement of the investigation-interrogation of a criminal case only if there is a sufficient basis which demonstrates the elements of an offense."

Article 42: Seizure and Sequestration of Assets

" In the case that the type, quantity, and location of materials related to the case and clearly known and can be used beneficially in the processing of the case, the investigating-interrogating official or civil servant interrogator must issue an order to seize such materials. For immovable materials, there shall be an order to sequester such materials. The method for seizures and sequestration and the documentation of such seizure or sequestration shall be performed in accordance with Article 41 of this Law".

Article 46: Preventative Custody

" After locating a suspect and if necessary, an investigating-interrogating official or a civil servant interrogator may detain the concerned individual for three days in order to conduct an investigation-interrogation, however, such detention must be reported to the public prosecutor within twenty-four hours from the time of the detention.

Within those three days, the investigating-interrogating official or the civil servant interrogator must take the statement of the detainee and make his decision as follows:

1. If it is deemed that there is no basis for the issuance of an order to commence investigation-interrogation, the investigating-interrogating official or the civil servant interrogator must release the detainee and immediately report it to the public prosecutor.

2. If it is deemed that there is no basis for the issuance of an order to commence investigation-interrogation and if it is deemed necessary to imprison the detainee, the investigating-interrogating official must issue an order to commence investigation-interrogation and request an order to imprison from the public prosecutor. For the civil servant interrogator, he must request an order to commence investigation-interrogation and an order to imprison from the public prosecutor.

After having received the request for imprisonment of the investigation-interrogation official and the civil servant interrogator, the public prosecutor must make his decision within twenty-four hours of whether to release or to imprison the detainee".

Article 47: Arrests

"The arrest of any individual must be accompanied by an order in writing from the public prosecutor or the court, except in cases where an offense is seen being committed or in urgent cases.

Before the issuance of an order to arrest, the public prosecutor or the court must make reference to the following conditions:

1. The wrong doing must be a criminal offense upon which the law determines the penalty to be the deprivation of personal liberty.
2. The evidence which comprises the case must show preponderance of evidence.

Additionally, there must be reference to other conditions such as: the suspect may flee, destroy evidence, hurt the injured party or witnesses or will do further wrongful acts or the suspect may be hurt by the injured party or by other individuals.

If there is to be an arrest of a monk or a seminarian, the temple administrator must be notified for defrocking.

For arrests in normal cases, the arrest order along with the case of such arrest must be declared to the arrest.

In all case after an arrest of an accused, the investigating-interrogating official must report to the public prosecutor within twenty-four hours and must take a statement from the arrested no later than within forty-eight hours while also rendering an opinion of whether to release or to imprison the arrested.

In the case where the arrested is released or must be imprisoned, the investigating-interrogating official or civil servant interrogator must request a release order or an imprisonment order from the public prosecutor.

After there has been receipt of the request to release or imprison the arrested from the investigating-interrogating official or the interrogating civil servant, the public prosecutor must make his decision within twenty-four hours of whether to release or imprison the arrested.

In the case that it is not the investigating-interrogating official who conducts the arrest, the arrested must be handed over to the investigating-interrogating official immediately. For arrests in remote areas, the arrested shall be handed over to the investigating-interrogating official from the date of the arrest.

Arrests must be conducted methodically and in a manner appropriate to the offense and the arrested.

Beatings and torture of the arrested are prohibited.

Arrests, in any case must be notified to the family, office, agency or enterprise at which the concerned individual is located within forty-eight hours and his place of imprisonment must be notified if it is deemed that such notification will not interfere with the case proceedings."

Article 48: Arrests in the Case of Offenses Committed within the sight of Officials and in Urgent Cases

" Arrests in cases where there is an offense being committed within the sight of officials or in urgent cases do not require an arrest order from the public prosecutor the court.

Individuals who shall be arrested in cases where there is an offense being sighted have demonstrated the following:

1. Individuals in the act of committing an offense who are being pursued or individuals who have directly seen an incident and an injured party has identified them at their home at the time when such an offense arose.

2. Individuals who have committing an offense who are being pursued or individuals who have directly seen an incident and an injured party has identified them as the offender.

3. Individuals who have evidence of an offense on their person or in their home at the time when such an offense arose.

Individuals who shall be arrested in urgent cases have demonstrated the following:

1. Individuals who are suspected of an offense, who have a dubious background or an uncertain residence.

2. Individuals who are suspected of an offense who are in the act of fleeing".

Article 50: Imprisonment

" Imprisonment must be accompanied by an order from the public prosecutor or the court and must reference conditions as provided for in article 47 of this Law. The time limit of imprisonment shall not exceed three months from the date of the issuance of the order to imprison. If it is deemed necessary, the public prosecutor shall extend the time limit for imprisonment for an additional period of three months. However the total period of imprisonment shall not exceed one year. If imprisonment has extended beyond that period and there is not sufficient evidence

for a court case, the public prosecutor must issue an order to release the accused immediately "

- **Please elaborate on how the security measures have been strengthened at the international airport, the border checkpoints and the premises of diplomatic missions and international organization.**

The Lao PDR attaches great importance to security, orderliness and tranquility of the society, including firm prevention of terrorist acts. Already we have set up security measures at the airports and border checkpoints, according to the Prime Minister's Decree on Immigration-Emigration of Lao Citizens and Foreigners (PM/031, dated 2/3/1998). We have enforced measures to protect and ensure the security of embassies, consulates, and international organizations through various legal, administrative, technical and socio-economic measures. For example, security measures at airports include:

- X-ray of all passengers' luggage;
- In case of breakdown of x-ray machines, security officers perform hand-checks on luggage.
- Before boarding airplanes or entering the passenger boarding areas, all passengers are subjected to security checks.
- When prohibited objects are found, security officers are informed immediately to take necessary measures.
- Daily coordination meetings of the immigration, security and customs officers.

Besides the above measures, there are private security companies hired for 24-hour protection of various public and private places, and at diplomatic and international premises.

- **How are the embassies and consulate-generals of the Lao People's Democratic Republic expected to verify whether a person is associated with terrorist activities or terrorist groups?**

The embassies and consulate-generals of the Lao PDR know about persons associated with activities of terrorists or terrorist groups based on information and data received from concerned government authorities, or from international organizations with anti-terrorism mandates, which conduct investigations and interrogations of persons who have:

- planned, organized or given instructions for the infraction; or
- directly committed the infraction; or
- encouraged others to commit infraction; or
- been accomplices and have given voluntary assistance in the infraction; or
- concealed information, instruments and tools of infraction; or
- agreed to hide the persons involved in the infraction.

- **Is there any provision in the law of the Lao People's Democratic Republic to prohibit the acquisition of firearms without a license (especially at the time of purchase)?**

The acquisition of firearms is prohibited in particular under the following articles in the Penal Law:

Article 70 (New): Unlawful Production, Possession and Use of Warfare Weapons or Explosives

"Any person producing, possessing, keeping wearing or using warfare weapons or explosives in contravention with the law shall be punished by six months to five years of imprisonment and shall be fined from Kip 500,000 to Kip 10,000,000."

Article 71 (New): Unlawful Trade of Warfare Weapons or Explosives

"Any person purchasing and selling warfare weapons or explosives in contravention with the law shall be punished by six months to five years of imprisonment and shall be fined from Kip 1,000,000 to Kip 20,000,000.

Where an offender performs the purchase and sale of warfare weapons or explosives as regular profession, through an organized group or in the case of the purchase and sale in substantial quantity, shall be punished by five to ten years of imprisonment and shall be fined from Kip 5,000,000 to Kip 50,000,000."

Article 72 (New): Theft, Embezzlement, Robbery of Warfare Weapons or Explosives

"Any persons stealing, embezzling or robbing warfare weapons or explosives shall be punished by two to five years of improvement and shall be fined from Kip 2,000,000 to Kip 25,000,000.

Where such theft or embezzlement of war weapons or explosives is performed as a regular profession, through an organized group, or involves a substantial quantity of war weapons or explosives or is committed robbery of these items, the offender shall be punished by five to ten years of imprisonment and shall be fined from Kip 5,000,000 to Kip 50,000,000."

Article 73 (New): Loss of Warfare Weapons or Explosives belonging to the State or Collectives

"Any person causing the loss of warfare weapons or explosives belonging to the State or collectives out of negligence shall be punishable by three months to three years of imprisonment or by reformatory measures without privation or liberty, and shall be fined from Kip 100,000 to Kip 1,500,000."

- **Which are the institutions responsible in the Lao People's Democratic Republic for providing early warning to other State?**

The Ministry of Foreign Affairs of the Lao PDR is the institution responsible for providing early warning to other State.

- **Please provide information on the mechanism for inter-agency cooperation among the authorities responsible for narcotics control, financial tracking and security with particular regard to the border controls designed to prevent the movement of terrorists.**

The Lao PDR's responsible authorities for narcotics control are: (1) the Lao Commission for Drug Control and Supervision from national to local levels (community), and (2) the relevant technical unit under the Ministry of Public

Security. Both are the primary units for coordination with all other government agencies on this issue.

- **What is the legal timeframe within which a request for judicial assistance in criminal investigations or criminal proceedings, including those relating to the financing or support of terrorist acts, must be met and how long does it actually take in practice to implement such a request?**

In the case of a request for judicial assistance in criminal investigations or criminal proceedings, including those relating to the financing or support of terrorist acts, the timeframe depends on whether the case is simple, complex or very difficult, and therefore can take one week, or ten to twenty days, or one month or more. According to the Criminal Procedure Law of the Lao PDR, the responsible authorities usually conduct investigations and interrogations on a case within two months. Depending on the complexity of the case, these authorities can request a two-month extension repeatedly, in conformity with Article 32, which sets the timeframe for investigations and interrogations.

- **Please outline the penal legal provisions, which are relevant to implement sub-paragraph 2 (e) of the Resolution.**

Legal provisions, which are relevant to implement sub-paragraph 2 (e) of the Resolution, are clearly stipulated in the Penal Law in Articles 51, 52, 53, 54, 55, 56, 57, and 61, as presented on pages 3-6.

- **What is the competence of the courts of the Lao People's Democratic Republic to deal with criminal acts of each of the following kinds:**
  - **an act committed within the Lao People's Democratic Republic by any person (whether that person is currently present in the Lao People's Democratic Republic or not);**
  - **an act committed outside the Lao People's Democratic Republic by a person who is a citizen of, or habitually resident in , the Lao People's Democratic Republic (whether that person is currently present in the Lao People's Democratic Republic or not);**
  - **an act committed outside the Lao People's Democratic Republic by a foreign national who is currently in the Lao People's Democratic Republic?**

The articles of the Penal Law of the Lao People's Democratic Republic, which concern criminal acts of the above kinds, are presented below:

Article 3: Effectiveness of the Penal Law outside the territory of the Lao People's Democratic Republic

" This Penal Law is binding in the territory of the Lao People's Democratic Republic. All individuals transgressing the Penal Law within the territory of the Lao People's Democratic Republic are liable to sanctions defined by the Penal Law of the Lao People's Democratic Republic.

Cases of diplomatic representatives or individuals benefiting from diplomatic immunity sanctioned by international conventions guilty of infractions in the territory of the Lao People's Democratic Republic will be solved through the diplomatic channel."

Article 4: Application of the Penal Law outside the territory of the Lao People's Democratic Republic

" Lao citizen guilty of penal infractions committed outside the territory of the Lao People's Democratic Republic will assume penal responsibilities of the committed infraction as mentioned in the Penal Law of the Lao People's Democratic Republic.

Foreigners and stateless individuals residing in the Lao People's Democratic Republic, if guilty of penal infractions outside the territory of the Lao People's Democratic Republic, are also liable to assume penal responsibilities.

Foreign citizens committing infractions outside the territory of the Lao People's Democratic Republic are liable to assume responsibilities towards the penal law of the Lao people's Democratic Republic if such cases are mentioned in international conventions."

Paragraph 3

- **Has the Lao People's Democratic Republic entered into bilateral agreements to prevent and suppress terrorist attacks and take action against perpetrators of such acts?**

The Lao PDR has not entered into bilateral agreements to suppress and prevent terrorist attacks with any country.

- **With which countries the Lao People's Democratic Republic has entered into bilateral treaties on extradition and mutual legal assistance?**

The Lao PDR has entered into bilateral treaties on extradition with the Kingdom of Thailand, the Kingdom of Cambodia, and the People's Republic of China. On civil and penal cases, the Lao PDR and the Socialist Republic of Vietnam have a treaty of mutual assistance, within which the issue of extradition is addressed. Currently, the Lao PDR is negotiating a treaty with the Russian Federation.

- **Please provide a progress report in relation to the twelve relevant international conventions and protocols relating to terrorism on:**
  - **The Lao people's Democratic Republic becoming a party to the instruments to which it is not yet a party including the intentional Convention for the Suppression of the Financing of Terrorism; and**
  - **Enacting legislation and making other necessary arrangements to implement the instruments to which it has become a party.**

The Lao PDR has become a party to the international conventions and protocols relating to terrorism as follows:

1. Convention on Offences and Certain Other Acts Committed on Board Aircraft, 1963.
2. Convention for the Suppression of Unlawful Seizure of Aircraft, 1970.
3. Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, 1971.
4. Convention on the Prevention and Punishment of Crime against Internationally Protected Persons, including Diplomatic Agents, 1973.
5. International Convention Against the Taking of Hostages, 1979.

6. Protocol for the Suppression of Unlawful Acts of Violence at Airport Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, 1988.
7. International Convention for the Suppression of Terrorist Bombing, 1979
8. Convention on the Safety of the United Nations and Associated Personnel, 1994.

The Lao PDR is amending the Penal Law in order to ensure fulfillment of its obligation as stipulated in these international conventions and protocols to which the Lao DPR is a party. In any case, the Penal Law has set already some penalty clauses applied to illegal terrorist acts or related to terrorist acts.

- **Please describe the legal and other measures available to comply with the requirements of sub-paragraph 3 (f).**

Legal and other measures available to comply with the requirements of sub-paragraph 3(f) are contained in the Constitution and in the Penal Law.

In the **Constitution**:

Article 37

" Alien and persons having no nationality have the right to enjoy those rights and freedoms protected by the provisions of the laws of the Lao People's Democratic Republic. They have the right to lodge petitions with courts and the concerned organizations of the Lao People's Democratic Republic"

Article 38

" The Lao People's Democratic Republic grants asylum to foreigners who are persecuted for their struggle for freedom, justice, peace or for their scientific activities".

In the **Penal Law**:

Article 61

" Any person enrolled in an armed organization attacking and destroying plants and factories, faces. Social organization or taking civil servants and civilians as prisoners or killing them or robbing state, collective, individual property with the intention to undermine the foundations of social order shall be punished by five to twenty years of imprisonment and lined from kid 5.000.000 to Kid 100.000.000. Furthermore his/ her property may be confiscated as provided under article 32 of this law. They may be sentenced to restricted residence or life imprisonment or execution".

- **Please explain whether there is a law on extradition or whether bilateral treaties govern extradition.**

The Lao PDR does not have a specific law on extradition. However, the Lao PDR has entered into bilateral treaties on extradition with the Kingdom of Thailand, the Kingdom of Cambodia, the People's Republic of China and the Socialist Republic of Vietnam. Currently, we are considering drafting a law on extradition to submit to the National Assembly for further consideration.

- **Are claims of political motivation recognized as grounds for refusal of extradition of alleged terrorists?**

Terrorism is considered as a violent act. Therefore, there is no reason, including political reasons, to refuse extradition. However, if extradition is requested, we do require substantial evidence that the person in concern is a terrorist or not.

So far, the Lao PDR has never received such claims.

Paragraph 4

- **Has the Lao People's Democratic Republic addressed any of the concerns expressed in paragraph 4 of the Resolution in addition to having acceded to the Convention on Psychotropic substances (Vienna, 1971) and to the Single Convention on Narcotic Drugs (New York, 1961)?**

The Lao PDR supports and cooperates with the international community against terrorism as stated in paragraph 4 of the Resolution, in addition to having acceded to the Convention on Psychotropic Substances (Vienna, 1971) and to the Single Convention on Narcotic Drugs (New York, 1961).

Other Matters

- **Could the Lao People's Democratic Republic please provide an organizational chart of its administrative machinery, such as police, immigration control, customs, taxation and financial supervision authorities, established to give practical effect to the laws, regulations and other documents that are seen as contributing to compliance with the Resolution.**

In order to ensure efficient implementation of the UNSC Resolution 1373, the Prime Minister of the Lao PDR has issued Decree Number 63/ PM, dated 27 December 2002, which sets up a Ad Hoc Committee for Implementing the UNSC Anti-Terrorism Resolution 1373. The Ad Hoc Committee is chaired by the Deputy Prime Minister, Minister of Foreign Affairs, and is composed of senior officials from ministries concerned with the prevention and suppression of terrorism.

Assistance

This matter of assistance is under consideration and if there is a need, the CTC will be notified in the future.

United Nations S/2003/384

Security Council

Distr.: General
31 March 2003

Original: English

Letter dated 25 March 2003 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached supplementary report from Kenya submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I would be grateful if you could arrange for the present letter and its attachment to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

03-31011 (E) 090403

Annex

Letter dated 12 March 2003 from the Permanent Representative of Kenya to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

I have the honour to submit to you the second report by the Government of Kenya prepared pursuant to Security Council resolution 1373 (2001) (see enclosure).

(*Signed*) Bob F. **Jalang'o**
Ambassador
Permanent Representative

Enclosure

REPORT OF THE REPUBLIC OF KENYA TO THE COUNTER-TERRORISM COMMITTEE PURSUANT TO SECURITY COUNCIL RESOLUTION 1373 (2001) *

The position of Kenya on the fight against terrorism is well elaborated in her initial report to the Counter Terrorism Committee submitted in 2001. Kenya strongly condemns acts of terrorism in all their manifestations having suffered direct impact of terrorism on 7th August 1998 and 28th November, 2002.

As a country Kenya is taking various legislative and executive measures to ensure compliance with Security Council Resolution 1373 (2001) and also to enhance global implementation of this resolution.

LEGISLATIVE ACTION

After the September 11, 2001 terrorist attacks in the United States of America, Kenya realized that the existing legislative framework could not effectively deal with the various aspects of terrorism.

The Government has therefore embarked on the enactment of anti-terrorism legislation. The office of the Attorney-General has prepared a Counter-Terrorism Bill which is set to go to Parliament for debate soon while the Anti Money Laundering and Proceeds of Crime Bill 2003 is being finalized.

Further there is a move to harmonize other existing legislation with the proposed Anti-Money Laundering and Proceeds of Crime Bill. The statutes to be reviewed include the following:-

- Banking Act (Cap. 488)
- Narcotic Drugs and Psychotropic Substances (control) Act No. 4 of 1994.
- Fugitive Offenders Pursuit Act (Cap. 87)
- Extradition (contiguous and Foreign Countries) Act (Cap. 76)

* Additional enclosures are with the Secretariat and are available for consultation.

- Extradition (Commonwealth Countries) Act (Cap. 77)
- Capital Markets Authority Act (Cap. 485 A)
- Insurance Act (Cap. 487)
- Official Secrets Act (Cap. 187)
- Criminal Procedure Code (Cap. 75)
- Penal Code (Cap. 63)
- Civil Procedure Code (Cap 21)
- Evidence Act(Cap.80)

EXECUTIVE ACTION

The Central Bank of Kenya has put in place administrative measures to deal with the identification, tracing and freezing of financial assets belonging to persons identified with terrorist activities and money laundering.

A multi disciplinary National Anti-Money Laundering Task Force (NTF) to assist in implementing the resolutions of the UN Resolution 1373 (2001) was formed in February, 2002 with Representatives from the following institutions:-

Central Bank of Kenya

Ministry of Finance (Treasury)

Police Headquarters

National Security Intelligence Services

Attorney General's Chambers

Kenya Revenue Authority

Kenya Bankers' Association

Commissioner of Insurance

Immigration Department

Ministry of Trade & Industry.

The Anti-Money Laundering Task Force has been instrumental in the drafting of the Anti-Money Laundering and Proceeds of Crime Bill. The following provisions have been included in the Bill:-

(a) Modalities for tracing, seizing and freezing suspected money laundering accounts.

(b) A procedure for the confiscation of proceeds of crime, including proceeds of money laundering once the crime has been established.

(c) Outlawing of maintenance of anonymous banks accounts.

(d) Requirement for mandatory reporting of any suspicious transactions.

As a stopgap measure before the enactment of Anti-Money Laundering and proceeds of Crime Bill, the Central Bank of Kenya issued prudential regulations on money laundering to all financial sectors which took effect on 1st October, 2000. These regulations are founded on the policy of "know you customer' and mandates financial institutions to report any suspicious activities or transactions to Central Bank of Kenya.

The enactment of the Banking Amendment Act 2001 has facilitated the sharing of information amongst Banks and with Central Bank. The Central Bank of Kenya has also continued with special inspection programmes to detect any terrorist accounts with all the financial institutions.

The Task Force is working on a proposed programme to sensitize policy makers, legislators and the general public on the need to

combat money laundering and financing of terrorism. An Anti - Terrorism Unit consisting of officers from all security agencies has been established effective February,2003.

INTERNATIONAL EFFORTS

Kenya supports international efforts aimed at combating terrorism.

Kenya has ratified all the twelve international Conventions on terrorism as well as the OAU Convention on the Prevention and Combating of Terrorism.

Kenya is collaborating closely with other countries within the following programs:-

(a) Eastern and Southern Africa Anti-Money Laundering Group (ESAAMLG).

(b) East Africa – Head of Narcotics and Drug Committee Protocol.

(c) Interpol sub-regional Bureau for Eastern Africa.

DIFFICULTIES KENYA IS FACING

- Kenya may require technical and financial assistance to further enhance her capacity to deal with terrorism related risks.

COMMENTS IN RELATION TO THE SPECIFIC QUESTIONS POSED BY THE COUNTER TERRORISM COMMITTEE (CTC)

OPERATIVE PARAGRAPH 1

Sub-paragraph (a) What measures if any have been taken to prevent and suppress the financing of

terrorist acts in addition to those listed in your responses to Question 1 (b) to (d)

- The Government of Kenya acted on the "Terrorist Lists" circulated under the U.S. Executive Order 13224 by directing the security agencies and the Central Bank of Kenya to conduct investigations to find out if any of the listed individuals and Organizations operated any accounts with the financial institutions in Kenya. The Government moved fast to freeze the accounts of AL Barakaat group.

- Kenya participates in the Eastern and Southern Africa Anti-Money Laundering Program (ESAAMLG) and formed a multi-disciplinary National Anti-money Laundering Task Force (NTF) in February, 2002.

- Pursuant to SCR 1373 (2001) the NTF has helped in drafting Anti-Money Laundering and Proceeds of Crime Bill to combat money laundering.

- The Central Bank has put in place mandatory "*Know Your Customer*" policies and prudential regulations on money laundering covering all financial sectors.

- The Central Bank has established firm supervisory control and continuous special inspection programme aimed at detecting terrorists activities in all financial institutions.

Sub-paragraph (b) What are the offences and penalties in your country with respect to the activities listed in this sub-paragraph?

- In the proposed Money Laundering and Proceeds of Crime legislation there is the offence of,

    - Conversion or transfer, possessing or using any property knowing or believing it to be from money laundering proceeds.

- Rendering assistance to another person to conceal terrorists acts.

- Aiding a suspected person to escape legal prosecution.

The penalty for these offences is a minimum of 12 months imprisonment.

Sub-paragraph (c) What legislation and procedures exist to freezing accounts and assets at Banks and financial institutions? It would be helpful if states supplied examples of any relevant action taken.

- The Banking Fraud Investigation Department (BFID) of the Central Bank of Kenya has investigative powers on all suspicious individual and organizations' accounts.

- The BFID can move to court under section 180 of the Evidence Act and the Criminal Procedure Code to obtain a warrant to freeze suspected accounts, for instance the accounts of the Al Barakaat.

- Under the Narcotic and Psychotropic Substances (Control) Act No. 4 of 1994 the BFID can apply to courts to freeze drugs proceeds accounts while under the Civil Procedure Code courts can issue warrants for forfeiture of the suspected funds.

- The Kenyan courts have competent jurisdiction to issue appropriate orders with respect to freezing suspected accounts.

Sub-Paragraph (d) – What measures exist to prohibit listed activities in this sub-paragraph?

The Penal Code Cap. 63 of the laws of Kenya, the Banking law, the proposed Terrorism legislation and the Anti-Money-Laundering and Crime Proceeds of Crime Bill makes it an offence for any individual or organization to open, operate, finance, recruit or assist any person or organization engaged in terrorists activities.

- The Draft Counter Terrorism Bill and the Regulations on Anti-Money Laundering spells out the mechanism for freezing accounts and confiscating assets of suspects.

OPERATIVE PARAGRAPH 2

Sub-Paragraph (a) what legislation or other measures are in place to give effect to this sub-paragraph? What other measures help prevent such activities? In particular what offences in your country prohibit.

(i) **Recruitment to Terrorist Groups**

Under the Penal Code of Kenya Cap. 63 it is an offence for any person to solicit for employment in any organization engaged in activities of a terrorist nature. The Non-Governmental Organization (Coordination) Act also prohibits Non Governmental Organizations from engaging or recruiting persons in activities aimed at promoting or likely to promote terrorism.

(ii) **The Supply of Weapons to Terrorists?**

- Importation, licensing and usage is controlled under the Fire Arms Act Cap. 114. A person cannot own or purchase a gun without a fire arm certificate issued by the fire arms bureau.

- Importation of weapons in Kenya is prohibited and any individual or organization must meet strict conditions to do so. Any person contravening the law is liable to penalty of not less that 15 years.

Sub-Paragraph (b) What other steps are being taken to prevent the commission of terrorist acts and in particular, what early warning mechanisms exist to allow exchange of information with other states?

- The Kenya's investigative and security agencies in collaboration with other international security agencies have continued to share terrorist related information so that preventive measures could be taken.

Sub-Paragraph (c)– What legislation or procedures exist for denying safe haven to terrorists such as laws for excluding or expelling the types of individuals referred to in this sub-paragraph? It would be helpful if states supplied examples of any relevant action taken.

- The Extradition (Contiguous and Foreign Countries Act Cap. 76 and the Extradition (Commonwealth Countries) Act Cap. 77 and the Fugitive Offenders Pursuit Act Cap 87 have provisions for arresting, detaining and deporting suspected criminals.

- Persons found in Kenya illegally are prosecuted, fined/or jailed and deported under the Kenyan penal code. Courts also have powers to endorse warrants to extradict.

- Refugees entering into the country are documented and finger prints taken with a view to establishing connections if any to terrorist activities. They are put in identified camps for instance Kakuma and Dadaab for easy monitoring taking into account the provisions of international law.

- Under the immigration laws of Kenya a foreigner who does not hold a valid travel document, or is suspected to have forged identification documents can be denied entry or deported from Kenya even at the airports.

- There are stringent conditions for issuance of visas. Where there is suspicion, the immigration officials seek verification from the applicants country.

- Issuance of Kenyan passport is also strict. The applicant must produce a Kenyan birth certificate and further investigation is done by the immigration department to establish the authenticity of the application. The process is computerized to avoid forgery.

- Border entry points are manned by immigration officials reinforced by security agencies.

Sub-Paragraph (d) What legislation or procedures exist to prevent terrorists acting from your territory against other states or citizens? It would be helpful if states supplied examples of any relevant action taken.

- Under provisions of the Fugitive Offender Pursuit Act Cap. 84 and Extradition Acts, suspected criminals can be arrested, detained or surrendered as it happened with the 7th August 1998 bomb attack suspects in Kenya.

- The Kenya police and the BFID have power to investigate suspected terrorists finances.

- The proposed Anti-Money Laundering and Proceeds of Crime Bill has provisions for an authorized officer to seize and detain suspicious imports and exports of currency.

- The Financial Intelligence Unit to be set up under the proposed legislation, will have power to track property and with Court Order monitor money transactions of individuals or organizations accounts.

Sub-Paragraph (e) what steps have been taken to establish terrorist acts as serious criminal offences and to ensure that the punishment reflects the seriousness of such terrorists acts? Please supply examples of any convictions obtained and the sentence given.

Under the Central Bank of Kenya Regulation No. CBK/PG/12 Money Laundering is defined to include conversion or transfer of money knowingly and the intentional disguising or concealing the true origin of money.

Sub-Paragraph (f) What procedures and mechanisms are in place to assist other states? Please provide any available details of how these have been used in practice.

The Government of Kenya is committed to continuous co-operation with other states in exchanging vital information regarding terrorist threats, and has extradition arrangements with various countries. For instance in 1998, Bomb suspects were extradited to the USA to face trial for terrorist related offences.

Sub-Paragraph (g) How do border control in your country prevent the movement of terrorists? How do your procedures for issuance of identity papers and travel documents support this? What measures exist to prevent their forgery etc?

- There is presence of immigration personnel at the border entry points who check thoroughly travel documents of foreigners entering the country. Where they issue travel documents, the applicant is thoroughly screened.

- These immigration officials have powers to arrest and are supported by security personnel. Incase of any suspect, he is instantly arrested and relevant investigations commenced.

- Before a Kenyan is issued with a travel document, he or she must produce an Identification card and birth certificate To acquire a birth certificate one has to produce a birth notification or written report from the local administration confirming that the person is a Kenyan.

OPERATIVE PARAGRAPH 3

Sub-Paragraph (a) – What Steps have been taken to intensify and accelerate the exchange of operational

information in the areas indicated in this sub-paragraph?

The Kenya Government is committed to the exchange of operational information with other states regarding terrorism, and her security agencies have maintained close co-operation with other international security agencies.

- Kenya has enhanced her efforts to get rid of small arms and light weapons in cooperation with states in the region.

Sub-paragraph (b) – What steps have been taken to exchange information and co-operate in the areas indicated in this sub-paragraph?

Kenya has promoted international co-operative relationships, including information sharing with countries concerned through existing channels among security agencies and through the INTERPOL framework. Kenya has also strengthened its immigration controls and all entry points are manned by trained immigration personnel.

Sub-paragraph (c) What steps have been taken to cooperate in the areas indicated in this paragraph?

- Kenya is actively participating in anti terrorism efforts at both regional and international level. For instance Kenya is party to the Darkar Declaration Against Terrorism adopted on 17th October, 2001 and has often called upon all African states to sign, ratify and implement all anti-terrorism Conventions.

Sub-Paragraph (d) – What are your Government's intentions regarding signing and /or ratifying the Conventions and protocols referred to in this sub-paragraph?

- Kenya has already ratified the twelve international Counter Terrorism Conventions and has also ratified the OAU Convention on the Prevention and Combating of Terrorism attached hereto as an **annex.**

Sub-Paragraph (e) – Provide any relevant information on the Implementation of the Convention, protocols and resolutions referred to in this sub-paragraph?

The Kenya government is in the process of putting in place appropriate domestic legislation to deal with terrorism related issues. The government is also fully committed in honouring its objectives as required in UN Security Council Resolution 1269 (1999) and 1368 (2001).

Sub- paragraph (f) – What legislation, procedures and mechanisms are in place for ensuring asylum seekers have not been involved in terrorist activity before granting refugee status. Please supply examples of any relevant cases.

The immigration department conducts thorough scrutiny of all refugee seekers to establish their status. Those found qualified are documented and their finger prints taken.

Sub-Paragraph (g) – What procedures are in place to prevent the abuse of refugee status by terrorist? Please provide details of legislation and/or administrative procedures that prevent claims of political motivation being recognized as grounds for refusing requests for extradition of alleged terrorists. Please supply examples of any relevant cases.

Where the beneficiary is found to be engaged or have any links with terrorism activities contrary to the provisions of 1951 *Convention on Refugees article 1 (f), the benefits of non* refoulement principle under paragraph 2 article 33 will cease to apply and the Minister for Home Affairs can withdraw refugee status.

United Nations S/2003/385

Security Council

Distr.: General
31 March 2003

Original: English

Letter dated 26 March 2003 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 14 August 2002 (S/2002/959).

The Counter-Terrorism Committee has received the attached supplementary report from Burkina Faso (see annex), submitted pursuant to paragraph 6 of resolution 1373 (2001).

I would be grateful if you could arrange for this letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

03-31919 (E) 170403 170403

Annex

Note verbale dated 24 March 2003 from the Permanent Mission of Burkina Faso to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

[Original: French]

The Permanent Mission of Burkina Faso to the United Nations presents its compliments to the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism and, in reply to its note dated 8 August 2002, has the honour to transmit herewith the supplementary report submitted by the Government of Burkina Faso.

Enclosure

Supplementary information for the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

Paragraph 1

– **Please explain how Burkina Faso intends to implement the International Convention for the Suppression of the Financing of Terrorism that is in the process of being ratified.**

Currently under consideration.

– **What provisions and procedures exist to freeze funds and other financial assets belonging to (suspected) terrorists?**

As indicated in the previous report, the Directive on the control of money-laundering in the States members of the West African Economic and Monetary Union (WAEMU), adopted at Cotonou on 19 September 2002, contains a fairly complete set of provisions which will enable Burkina Faso, along with other WAEMU countries, to combat money-laundering effectively.

The Directive provides for the establishment by decree of a National Financial Processing Unit (NFPU) in each country, which will be the linchpin of the effort to combat money-laundering.

The NFPU is composed of six senior officials from the various sectors involved in the control of money-laundering, in particular the customs authority, the treasury department, the police and the Central Bank of the West African States (BCEAO). BCEAO provides the secretariat for the Unit.

In accordance with article 35 of this Directive, the examining magistrate, at the request of the NFPU, can prescribe protective measures, in accordance with the law, by ordering, inter alia, at the expense of the State, the seizure or confiscation of assets related to the offence that is the object of the investigation and all elements that might assist in their identification, as well as the freezing of funds and financial operations connected with such assets.

Following the adoption of the Directive, BCEAO formulated a draft uniform law concerning the control of money-laundering, which supplements the Directive by establishing a set of penalties and specific rules governing international cooperation in respect of jurisdiction, judicial cooperation and extradition. A draft uniform law is being formulated for that purpose.

Thus, for instance, in accordance with article 36 of the draft uniform law, persons found guilty of money-laundering are subject to imprisonment for a term of three to seven years and to a fine equalling three times the value of the laundered assets or funds.

Penalties are envisaged for juridical persons found guilty of laundering, as well as for cartels, associations, and accomplices to the offence of money-laundering.

The member States of WAEMU are in the process of finalizing this draft law. The establishment of NFPUs will afford Burkina Faso and other WAEMU countries

a tool for combating money-laundering as well as a legal framework for those efforts.

For the time being, Burkina Faso is continuing to forward the lists of suspected terrorists which it receives to the Burkina Professional Association of Banks and Financial Institutions, along with formal instructions to freeze any assets held by these persons in the banks and financial institutions belonging to the Association.

– **Do financial institutions have to report suspicious transactions to a competent authority?**

Article 26 of the Directive requires a certain category of economic entities to declare all suspicious transactions to the NFPU.

Article 5 of the Directive defines the relevant economic entities as:

(a) The treasury departments of member States;

(b) BCEAO;

(c) Financial institutions;

(d) Members of the independent legal professions when they are representing or assisting clients in non-judicial activities, in particular in the following contexts:

– The buying and selling of assets, commercial enterprises or goodwill;

– Transactions of money, shares or other assets belonging to the client;

– The opening or management of bank accounts, savings accounts or stock portfolios;

– The formulation, operation or management of partnerships, trusts or similar structures and the performance of other financial operations.

(e) Other parties concerned, including:

– Business agents of financial institutions;

– Auditors;

– Real estate agents;

– Dealers in articles of great value, such as works of art (particularly paintings and masks), gemstones and precious metals;

– Cash couriers;

– Managers, owners or directors of casinos or gaming houses, including national lotteries;

– Travel agencies.

Subparagraph 2 (a)

– **Please outline the regulations dealing with the possession of firearms. What penalties apply to non-compliance with the regulations?**

In Burkina Faso, the manufacture, remodelling, acquisition, possession, transfer, bearing or transport of working firearms and ammunition are regulated by

inter-ministerial decree No. 2001-268/PRES/MATD/MEF/DEF/MJPDHY of 8 June 2001.

Under the provisions of this decree, no one may buy a firearm, or receive it as barter, gift, inheritance or bequest, unless he holds an authorization to purchase a firearm.

The authorization to purchase a firearm is signed by the Minister responsible for Security and before it can be obtained, an application must be filed with the competent authority. The applicant must then undergo an investigation of his moral standards. When the authorization is obtained, and the firearm has been purchased, a firearm permit is issued to the owner of the firearm.

Failure to abide by the provisions of the firearms decree is punishable by law. Article 537 of the Burkina Faso Penal Code provides that a person who, without having obtained legal authorization, manufactures, imports, possesses, transfers, sells or buys a firearm or ammunition is subject to one to five years' imprisonment and a fine of 300,000 to 1,500,000 CFA francs or to one of these two penalties.

– **What measures exist to prohibit recruitment to terrorist groups in Burkina Faso, operating either within its territory or abroad?**

It is important to stress that there is no terrorism in Burkina Faso. It is therefore difficult to speak of prohibiting the recruitment of terrorists there.

Subparagraph 2 (b):

– **Please describe the mechanism for providing early warning to other countries in case of anticipated terrorist activity**.

In addition to the standard early-warning procedure of the International Criminal Police Organization (Interpol), the chiefs of police in the subregion periodically hold meetings to harmonize their operational methods. As a result, the various data services and border units have been authorized to exchange information directly with regard to cross-border crime. The most recent meetings were:

17 and 18 May 2001: Meeting in Ouagadougou, Burkina Faso, involving the following high-ranking officials:

Director General of the Mali police;

High Commander of the Niger national police;

Chief of Staff of the Burkina Faso national police.

11 October 2001: meeting in Dakar, Senegal, of African chiefs of police.

Interpol provides the most frequently used channel for the exchange of information. An information exchange system for the member States of the Economic Community of West African States (ECOWAS) also exists, however, within the framework of the West African joint operations initiative.

Subparagraph 2 (c):

– **What measures exist to meet the requirement of this subparagraph?**

Under review.

Subparagraph 2 (d):

- **What provisions or procedures exist to prevent the territory of Burkina Faso being used for terrorist activity abroad?**

As already explained in the previous report, the measures taken to prevent the use of the territory of Burkina Faso for terrorist activity are essentially:

- The strengthening of monitoring capacities at all levels (land and air borders);
- The strengthening of intelligence services;
- The regular updating and dissemination, to all monitoring services, of lists of persons suspected of belonging to terrorist networks, in particular the al-Qa'idah network;
- Restrictions on the issuance of Burkina Faso residence permits to persons of certain nationalities.

In addition, the provisions of edict No. 84-49 of 4 August 1984, which establish the requirements for entering into, staying in, and departing from the territory of Burkina Faso for citizens and foreigners, impose strict controls enabling the expulsion from the country of any foreign national whose situation is irregular.

Subparagraph 2 (e):

- **Please explain whether the Penal Code contains provisions to criminalize terrorist acts, other than those mentioned in the report. If not, does Burkina Faso intend to introduce any specific provisions dealing with this aspect?**

The Burkina Faso Penal Code contains no relevant provisions other than those described in the initial report. However, in view of the scope of terrorism, Burkina Faso plans to introduce specific provisions into its legislation regarding this matter.

Subparagraph 2 (f):

- **What is the legal timeframe within which a request for judicial assistance in criminal investigations or criminal proceedings, including those relating to the financing or support of terrorist acts, must be met and how long would it take in practice to implement such a request in Burkina Faso?**
- **Please describe the procedures to provide assistance to other countries in criminal investigations or criminal proceedings relating to terrorism.**

Under review.

Subparagraph 2 (g):

- **Please describe the mechanism for inter-agency coordination between the authorities responsible for narcotics, financial tracking and security in regard to border control to prevent the movements of terrorist groups.**
- **Please outline the legislative provisions that have been adopted to strengthen the operational capacity to control the movement of terrorists, as referred to in the report.**

(1) The establishment of monitoring and police intervention units in all the major urban centres to support the activities of brigades, to increase general surveillance of the territory, improve control of the movements of persons, in particular suspicious persons, and intervene rapidly and effectively when terrorist acts occur (cf. decree no. 2002-027/DEF/CAB of 21 February 2002);

(2) On 26 July 1993, Burkina Faso established a national committee for drug control, made up of representatives of ministerial departments and members of the network of drug control associations. It is responsible for creating and implementing relevant national policy. The Committee has a regular secretariat whose task is to coordinate all drug control activities (prevention, punishment, treatment, reintegration). The secretariat is headed by a permanent secretary, assisted by technical staff.

Paragraph 3

- **Please provide a list of the countries, if any, with which Burkina Faso has concluded bilateral treaties on mutual legal assistance and extradition in matters relating to terrorism.**
- **The CTC would welcome a report, in relation to the relevant international conventions and protocols relating to terrorism, on the progress made by Burkina Faso in:**
  - becoming a party to the instruments to which it is not yet a party; and
  - enacting legislation, and making other necessary arrangements, to implement the instruments to which it has become a party.
- **What provisions and procedures exist to meet the requirements of subparagraph 3 (f)?**
- **What is the legal basis for extradition? Is it governed by legislation, treaties, or both? Please outline any relevant provisions.**
- **Please explain whether claims of political motivation are recognized as grounds for refusing extradition of alleged terrorists.**

Under review.

Paragraph 4

- **Has Burkina Faso addressed any of the concerns expressed in paragraph 4 of the resolution?**

Under review.

Other matters:

Could Burkina Faso please provide an organizational chart of its administrative machinery, such as police, immigration control, customs, taxation and financial supervision authorities, established to give practical effect to the laws, regulations and other documents that are seen as contributing to compliance with the resolution?

Under review.

Assistance

The CTC notes the comment in section V of the report on Burkina Faso's capacity constraints in giving effect to resolution 1373. The CTC is exploring ways in which States can be assisted to fulfil the obligations in 1373. If such assistance would be helpful to Burkina Faso, it would be helpful to receive an indication of the areas in which assistance might be sought. The CTC would welcome such information in the further report requested by this letter, or separately, at any time.

An official request has already been made to the Committee.

All remaining information will be communicated to the Committee as soon as possible.

United Nations S/2003/386

Security Council

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31 March 2003

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Letter dated 25 March 2003 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 22 July 2002 (S/2002/814).

The Counter-Terrorism Committee has received the attached supplementary report from the Democratic Republic of the Congo submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

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Annex

Letter dated 6 March 2003 from the Permanent Representative of the Democratic Republic of the Congo to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

[Original: French]

I have the honour to transmit to you herewith the supplementary report that my Government has prepared pursuant to paragraph 6 of Security Council resolution 1373 (2001) concerning counter-terrorism and in response to your letter of 24 April 2002 on the matter (see enclosures).

I should be grateful if you would arrange for the present letter and its enclosures to be circulated as a document of the Security Council.

(*Signed*) Atoki **Ileka**
Ambassador
Permanent Representative

Enclosure

Supplementary report submitted by the Democratic Republic of the Congo pursuant to paragraph 6 of Security Council resolution 1373 (2001) concerning country-terrorism

This report supplements the report submitted on 27 December 2001 to the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism by the Government of the Democratic Republic of the Congo and issued on 24 January 2002 as document S/2001/1331.*

It is submitted in response to the requests for clarification and supplemental information made by the Committee in its letter of 10 June 2002 addressed to the Government of the Democratic Republic of the Congo.

The questions raised by the Committee, to which the Government is responding in its supplementary report, relate to paragraphs 1, 2, 3 and 4 of resolution 1373 (2001) and other pertinent matters.

It should be explained that, because of initiatives still in progress, the report does not touch on all aspects of the questions raised by the Committee. Some matters remain to be addressed and will be covered in a further supplementary report to the Committee by the Government. Among them are the requests, with reference to paragraph 3, for a list of the countries with which the Democratic Republic of the Congo has concluded bilateral treaties on cooperation and exchange of information, as well as a list of the countries with which the Democratic Republic of the Congo has concluded bilateral extradition treaties in matters related to combating terrorism.

Paragraph 1

Please describe the legal and other measures available to comply with the requirements of paragraph 1 of resolution 1373 (2001). Please provide answers in respect of each subparagraph.

Subparagraph 1 (a)

What measures, if any, have been taken to prevent and suppress the financing of terrorist acts in addition to those listed in your responses to questions on subparagraphs 1 (b) to (d)?

Presidential Decree No. 070/2001 of 26 December 2001 constitutes the normative and organizational basis on which a strategy for instituting mechanisms to combat international terrorism in the Democratic Republic of the Congo will be formulated and planned.

By issuing the decree, the President sought to send a strong signal concerning the measures to be taken to strengthen coordination among the agencies with responsibility for counter-terrorism with a view to detecting, preventing and effectively combating terrorism.

* Enclosures are on file with the Secretariat and are available for consultation.

The signing of the International Convention for the Suppression of the Financing of Terrorism on 10 November 2001 and its ratification in the near future are among the preventive measures that will enable the country to adopt counter-terrorism legislation capable of meeting the challenge of combating this scourge.

Subparagraph 1 (b)

What are the offences and penalties in your country with respect to the activities listed in this subparagraph?

The Penal Code of the Democratic Republic of the Congo does not define terrorism as a separate offence. However, some of the offences defined in the Penal Code cover certain aspects of terrorist activities.

Those offences are:

1. Criminal conspiracy

Article 156, Book II, of the Penal Code provides that: "Any conspiracy formed with the aim of committing an offence against persons or property constitutes an offence consisting of the sole act of organizing the group".

With regard to the penalty applicable to the offence, article 157, Book II, of the Penal Code goes even further by providing that: "The instigators of such a conspiracy, the leaders of the group and those who have exercised command of any sort shall be punished by death".

Article 158, Book II, of the Penal Code reads as follows: "All other individuals participating in the conspiracy and those who have knowingly and voluntarily furnished the group with weapons, ammunition and instruments of crime shall also be punished by death".

In view of the seriousness of the offence, the jurisprudence of the Democratic Republic of the Congo holds that a criminal conspiracy exists if there is an agreement, even briefly, among the defendants to commit an offence against persons or property (see Supreme Court of Justice, 1 July 1980, Criminal Case No. 319). The courts and tribunals of the Democratic Republic of the Congo also hold that the mere existence of the group constitutes a criminal conspiracy regardless of whether the group thus formed has committed a particular offence or the members have agreed to commit a specific crime (see Supreme Court of Justice, 16 May 1991, Criminal Cases Nos. 29, 30 and 31).

Apart from the offence of criminal conspiracy, the country's legal arsenal contains many other penal provisions that cover various aspects of terrorist activities, including the following offences:

- Murder and assassination, Penal Code, Book II, article 45;
- Arson, Penal Code, Book II, articles 103 to 109;
- Wilful destruction, Penal Code, Book II, articles 110 to 113.

Criminal conspiracy, murder and assassination are punishable by death; the other offences carry various penalties.

The Code of Military Justice also contains some provisions that cover various aspects of terrorism, in particular:

- War crimes, Code of Military Justice, articles 523, 323 and 530;
- Breach of State security, Code of Military Justice, articles 193, 194, 202 and 205;
- Prohibition against private militias (Legislative Ordinance No. 11-130 of 25 March 1960 concerning private militias).

In view of their serious nature, these offences are punishable by death.

With regard to the issues of terrorist financing and money-laundering, the Central Bank of the Democratic Republic of the Congo is working on setting up a system to combat the financing of terrorist acts, primarily insofar as it involves financial transactions, including money-laundering.

The foreign exchange regulations of 22 February 2001 now in effect in the country stipulate, in article 41:

> "The entry of funds for direct, portfolio and other investment including the prefinancing of exports shall be authorized by filing a foreign exchange declaration.
>
> The funds must derive from transactions of legal economic origin."

Along those lines, article 75 of Act No. 003/2002 of 2 February 2002 concerning the operation and oversight of credit institutions provides the following:

> "Under the conditions set by the Central Bank, credit institutions shall be required to declare:
>
> (1) Sums of money entered on their books that appear to be derived from drug trafficking or other criminal activities;
>
> (2) Transactions that concern sums of money that appear to be derived from drug trafficking or other criminal activities."

In addition, imports and exports of certain goods, chiefly weapons, ammunition and explosives, are subject to prior approval of the competent government agencies. Transactions involving such goods are thus subject to restrictions.

Subparagraph 1 (c)

What legislation and procedures exist for freezing accounts and assets at banks and financial institutions? It would be helpful if States supplied examples of any relevant action taken.

There is no specific procedure, but the country's penal procedure and judicial practice allow for the possibility of freezing accounts and assets held at banks and financial institutions, when necessary. Public prosecutors, under the powers conferred by law, may legally proceed to freeze accounts, in particular to combat the financing of terrorism. However, there is inadequate expertise in that area among public prosecutors and investigative police officers because of a lack of established practice.

Subparagraph 1 (d)

What measures exist to prohibit the activities listed in this subparagraph?

With regard to money-laundering, the measures in place are those cited above in connection with the regulation of foreign exchange. A working group has been established at the Central Bank to consider the steps to be taken against money-laundering. The working group has recommended the following:

- Setting up, under the National Committee for Coordinating Efforts to Counter International Terrorism, a multidisciplinary unit (from the Ministry of Finance, the banking system, the security services, the customs service and the judiciary) entrusted with the task of considering what the legal framework should be for combating money-laundering, bearing in mind the legislation in force in the countries of the region;
- Setting up a system for monitoring, oversight and prevention in that area;
- Contacting the secretariat of the Financial Action Task Force on Money Laundering, which stands ready to offer assistance to any country requesting it on how to establish a legal and institutional framework.

Ultimately, it is the desire of the Democratic Republic of the Congo to establish a suitable legal system in this area, following the example of other countries in Europe, Asia, the Caribbean, the Americas and Africa.

Paragraph 2

Please describe the legal and other measures available to comply with the requirements of this paragraph.

Subparagraph 2 (a)

What legislation or other measures are in place to give effect to this subparagraph? In particular, what offences in your country prohibit (i) recruitment to terrorist groups and (ii) the supply of weapons to terrorists?

The Democratic Republic of the Congo has not yet taken any specific measures to implement this subparagraph. However, the Decree of 21 February 1950 regulating firearms and ammunition has a bearing on the matter, since it contains an important set of provisions designed to prevent any illegal supply of arms. The Decree has been incorporated in the supplementary penal provisions of the Penal Code, Title, II (Social defence and social legislation), section I (Firearms), in the following terms:

"Article 2

Importing, storing in public warehouses, State powder magazines and general warehouses, removing from such premises, transporting, trafficking in, possessing, lending or leasing, giving, abandoning or selling firearms or their parts and components or ammunition or its parts or components shall require the prior authorization of the President of the Republic or of an official to whom the power is delegated. The conditions under which authorization is granted shall be determined by the President of the Republic, subject to the provisions of this decree.

Article 3

No one not entrusted with military functions may be in possession of military-style weapons, including in particular revolvers, pistols, sub-machine guns, FAL light automatic rifles and any fully automatic weapons. However, the Ministry of the Interior may authorize personnel of the security service, the criminal investigation police, the public prosecutor's offices, courts, the territorial police and the prison guard services to carry one of the above-mentioned weapons.

...

Article 15

Anyone who imports, transports, possesses, lends or leases, sells, gives or abandons firearms or ammunition in violation of the provisions of this decree or the regulations or ordinances implementing it shall be punished by penal servitude of seven days to one year and a fine of 25 to 1,000 zaïres or one of those penalties only. In all cases where the convicted person has engaged in trading in firearms or ammunition in areas where military operations are in progress the sentence shall be penal servitude and may be raised to a maximum of 10 years. Anyone who is in possession of a military weapon without authorization demonstrated by a permit to carry a weapon issued by the Minister of the Interior shall be punished by penal servitude of 10 to 20 years."

In addition, Legislative Ordinance No. 85-035 of 3 September 1985, in articles 5, 6 and 8, clearly prohibits the acquisition, possession and transfer of arms and ammunition except in the cases expressly provided by law. Violations of articles 5 and 6 of the legislative ordinance shall be punishable by penal servitude of 5 to 10 years.

(i) Recruitment to terrorist groups

This is an aspect of the offence of criminal conspiracy, which applies to any conspiracy formed with the aim of committing an offence against persons or property and which is punishable by death.

Article 157, Book II, of the Penal Code, provides that: "The instigators of such a conspiracy, the leaders of the group and those who have exercised command of any sort shall be punished by death".

(ii) The supply of weapons to terrorists

Article 158, Book II, of the Penal Code, provides that: "All other individuals participating in the conspiracy and those who have knowingly and voluntarily furnished the group with weapons, ammunition and instruments of crime shall also be punished by death".

Subparagraph 2 (b)

What other steps are being taken to prevent the commission of terrorist acts, and, in particular, what early warning mechanisms exist to allow exchange of information with other States?

(a) The first response to the need for an early warning mechanism has been to place the Permanent Secretariat of the National Committee for Coordinating Efforts to Counter International Terrorism at the highest level of government (the Presidency of the Republic).

(b) The elite troops of the Rapid Response Police have been made available in case of an alert.

(c) A Counter-Terrorism Division has been established at the National Intelligence Agency.

Paragraph (c)

What legislation or procedures exist for denying safe haven to terrorists, such as laws for excluding or expelling the types of individuals referred to in this subparagraph? It would be helpful if States supplied examples of any relevant action taken.

Apart from the measures discussed in the initial report (S/2001/1331 dated 24 January 2002), there has been a progressive strengthening of immigration control mechanisms and methods, particularly at Ndjili International Airport and at Ngobila Beach, important entry and exit points to and from the Democratic Republic of the Congo.

However, it should be noted that the immigration services are severely handicapped by a lack of proper equipment (computers, telecommunications, detectors, surveillance cameras, and the like).

Subparagraph 2 (d)

What legislation or procedures exist to prevent terrorists acting from your territory against other States or citizens? It would be helpful if States supplied examples of any relevant action taken.

The following information can be given on action taken:

- Strengthened security measures at certain targeted embassies, in particular through the Rapid Response Police and counter-espionage agents; and
- Periodic meetings of intelligence experts to harmonize various anti-terrorism initiatives and methods.

Subparagraph 2 (f)

What procedures and mechanisms are in place to assist other States? Please provide any available details of how these have been used in practice.

The establishment of a national coordination mechanism under the Special Adviser to the Head of State on Security is a means of assisting other States despite the difficulties caused by the war in the Democratic Republic of the Congo. The country also provides assistance as a member of certain subregional organizations, including:

- The Southern African Development Community (SADC). The Democratic Republic of the Congo is on the SADC Subcommission on Security, which handles information on terrorism, organized crime, illicit drugs, money-

laundering, trafficking in arms and the unlawful transfer of nuclear, chemical or biological material;

- The Economic Community of Central African States (ECCAS); and
- The Permanent Consultative Committee of the United Nations on matters of security in Central Africa.

Subparagraph 2 (g)

How do border controls in your country prevent the movement of terrorists? How do your procedures for issuance of identity papers and travel documents support this? What measures exist to prevent their forgery, etc.?

Despite material and financial constraints, various immigration agents have been given clear and strict instructions to monitor the borders more carefully. The National Committee for Coordinating Efforts to Counter International Terrorism regularly monitors border crossing points.

These services are often ineffective for lack of adequate material resources, which does not make it easy to implement the instructions received.

The intelligence services are substantially involved in the current procedure for issuing identity cards and other identification documents. The Permanent Secretariat of the National Committee for Coordinating Efforts to Counter International Terrorism plans to set up a mechanism for cooperation and control among the services authorized to draw up and issue identity documents.

In order to prevent any forgery, Congolese legislation criminalizes and punishes forgery and the use of forgery. Severe penalties for these offences are set out in the penal law, particularly in articles 121, 122, 124 of the Penal Code, Book II.

Paragraph 3

The Counter-Terrorism Committee would welcome a report on the progress achieved by the Democratic Republic of the Congo with regard to becoming a party to and ratifying international conventions and protocols relating to terrorism and enacting legislation with a view to implementing these instruments. Please provide a list of countries with which the Democratic Republic of the Congo has concluded bilateral treaties on cooperation and on exchange of information.

Through its focal point, the First Counsellor and Legal Counsel at its Permanent Mission to the United Nations in New York, the Democratic Republic of the Congo took the opportunity, when participating in the sessions of the Ad Hoc Committee for the Negotiation of a Convention against Corruption, to discuss with experts from the United Nations Centre for International Crime Prevention of the United Nations Office on Drugs and Crime in Vienna aspects of harmonizing its national legislation with the provisions of existing international conventions relating to terrorism. The Centre for Crime Prevention of the United Nations Office on Drugs and Crime expressed its willingness to provide legislative assistance to the Democratic Republic of the Congo in accordance with the mandate given to it by the Security Council Counter-Terrorism Committee. The two parties agreed that the activities specified in the "Preliminary comment on legislative assistance to the Democratic Republic of the Congo", transmitted to the Centre for Crime Prevention

on 9 November 2002 by the Permanent Mission of the Democratic Republic of the Congo, would be organized soon in Kinshasa. In late March, the Congolese authorities will host experts from the Centre in order to plan the delivery of the promised assistance.

Paragraph 4

Has the Democratic Republic of the Congo addressed any of the concerns expressed in paragraph 4 of the resolution?

The following measures have been taken to strengthen the coordination of efforts in this regard:

At the national level

A National Committee for Coordinating Efforts to Counter International Terrorism has been established pursuant to the provisions of article 5 of Decree No. 070/2001 of 26 December 2001. This is the institutional framework for coordinating efforts to counter international terrorism. The Special Adviser to the Head of State on Security is its Permanent Secretary.

Within the Special Services Unit of the Congolese National Police, there is also a Department of General Intelligence which coordinates all counter-terrorism activities.

At the subregional and international level

The information contained in the first report submitted to the Committee by the Democratic Republic of the Congo is equally valid for this report. Additional information is contained in section B of the preliminary comment on legislative assistance sent by the Permanent Mission of the Democratic Republic of the Congo to the United Nations Office on Drugs and Crime in its letter of 10 December 2002.

Some references to the organizational framework of the administrative structure of certain institutions are in order. Details are contained in the enclosures to this report.

1. *Police*

Article 4 of Decree-Law No. 002/2002 of 26 January 2002 on the establishment, organization and functioning of the Congolese National Police provides for the establishment of specialized provincial inspection units and services, including the Criminal Police, which is responsible for, inter alia, suppressing gangs, fraud and drugs.

2. *Customs and Excise Office (OFIDA)*

The Customs Brigade was established and organized pursuant to Ordinance No. 79-114 of 15 May 1979 establishing OFIDA, under article 4 on OFIDA functions, including border surveillance, by Decision No. DG/CAB/99/001 of 12 January 1999. Its main functions are:

- Border surveillance;
- Prevention and inspection; and
- Administration and protection of the national heritage.

3. General Tax Directorate

Article 2 of Ordinance No. 89/101 of 12 May 1989 amending and supplementing Ordinance No. 88-039 of 10 March establishing the General Tax Directorate sets out the functions of the General Tax Directorate, as follows:

> "To carry out all assignments and exercise all prerogatives relating to fiscal matters, within the framework of existing laws and regulations, inter alia, those regarding the tax base, control, collection and disputes over direct and indirect taxes, royalties and tax charges."

In this connection, the General Tax Directorate is responsible for studying draft decisions, ordinances and laws on such matters and submitting them to the competent authorities. It should be consulted with regard to any change in legislation that will have an impact on tax liability or that will affect any provision of the Investment Code.

The General Tax Directorate exercises its powers over the entire national territory.

4. General Immigration Directorate

Ordinance No. 087-053 of 9 February 1997 amending Ordinance No. 87-003 of 7 January 1987 establishing a National Immigration Agency (ANI) and Ordinance No. 87-054 of 3 February 1987 on the organization and functioning of the National Immigration Agency constitute the legal basis for the General Immigration Directorate.

The General Immigration Directorate is a counter-intelligence service. In this capacity, it deals mainly with national border control and all intelligence relating to immigration and emigration.

Implementation of Security Council resolution 1373 (2001) on terrorism

Preliminary comment on legislative assistance to the Democratic Republic of the Congo

A. Context and basis

This comment is being submitted in response to the letter from the United Nations Office on Drugs and Crime of 29 November 2002 addressed to Mr. Mukongo Ngay, First Counsellor at the Permanent Mission of the Democratic Republic of the Congo to the United Nations and Government Focal Point with the United Nations on terrorism, in accordance with paragraph 6 of Security Council resolution 1373 (2001) of 28 September 2001 and section 1.4 of the note by the Chairman of the Committee of 26 October 2001 on guidance for the submission of reports pursuant to paragraph 6 of this resolution.

Under section 1.4 of the note on guidance, States may identify areas in which they require additional guidance or technical assistance on implementing resolution 1373 (2001).

This comment is based on the request for assistance formulated in general terms in the first report submitted to the Committee, issued on 24 January 2002 (S/2001/1331). For the rapid implementation of Decree No. 070/2001 of 26 December establishing a National Committee for Coordinating Efforts to Counter International Terrorism, the Democratic Republic of the Congo requires assistance in a number of areas covering technical, material and logistical, financial, regulatory and legislative aspects.

Pending the Government's submission of a detailed request on the various forms of assistance it requires, this comment will deal only with the aspect of legislative assistance.

In this connection, three points should be stressed, namely: status of the Democratic Republic of the Congo with regard to international and regional conventions on terrorism; opportunities for awareness-raising and dissemination campaigns and training courses on anti-terrorism, through seminars, symposiums and workshops; and the elaboration of a national law on the prevention and suppression of terrorism.

B. Status with regard to international conventions on terrorism

The Democratic Republic of the Congo has already ratified 4 of the 12 United Nations conventions and protocols on international counter-terrorism and signed three others in addition to the Organization of African Unity (OAU) Convention on the Prevention and Combating of Terrorism.

I. Conventions ratified

1. Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed in Tokyo on 14 September 1963;

2. Convention for the Suppression of Unlawful Seizure of Aircraft, signed in The Hague on 16 December 1970;

3. Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed in Montreal on 23 September 1971;

4. Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on 14 December 1973.

II. Conventions signed and not yet ratified

1. International Convention against the Taking of Hostages, adopted by the General Assembly on 17 December 1979;

2. Protocol on the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation;

3. International Convention for the Suppression of the Financing of Terrorism, adopted by the General Assembly of the United Nations on 9 December 1999.

At the regional level, the Democratic Republic of the Congo has already signed the Organization of African Unity (OAU) Convention on the Prevention and Combating of Terrorism, adopted in Algiers on 14 July 1999.

III. Other conventions which the Democratic Republic of the Congo intends to sign and/or ratify

1. Convention on the Physical Protection of Nuclear Material, signed in Vienna on 3 March 1980;

2. Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, done in Rome on 10 March 1988;

3. Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, done in Rome on 10 March 1988;

4. Convention on the Marking of Plastic Explosives for the Purpose of Detection, signed in Montreal on 1 March 1991;

5. International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations on 15 December 1997.

C. Measures to be taken

The Democratic Republic of the Congo intends to take urgent measures to facilitate the rapid implementation of Decree No. 070/2001 of 26 December establishing a National Committee for Coordinating Efforts to Counter International Terrorism. In the short term, it plans to sign and/or ratify those conventions on combating terrorism to which it is not a party, particularly the Convention for the Suppression of the Financing of Terrorism, in order to ensure that it has done everything possible to prevent and suppress terrorism. It also plans to incorporate the basic principles of resolution 1373 (2001) and other relevant Security Council

resolutions into its domestic legislation, and to begin implementing various international conventions on combating terrorism which it has already ratified.

It should be noted, however, that, like a number of other countries, the Democratic Republic of the Congo is in the process of changing its procedure for ratifying certain treaties with a view to significantly increasing the consultations in which members of the Government or civil society would participate. Another advantage of this process is that it will disseminate the legal instruments to which the Democratic Republic of the Congo has acceded to the population which they will affect.

It also enables Congolese judges deciding cases to familiarize themselves with the rules of international law, as their training is more specifically geared towards domestic law. The Democratic Republic of the Congo is also aware that international law genuinely permeates the daily lives of men and women the world over when it is taken into account by national judges.

In this same vein, the various actions to be undertaken will include:

1. Organizing campaigns to promote awareness and to disseminate international treaties on combating terrorism to the population;

2. Holding seminars of national experts on the harmonization of Congolese law with the principles of resolution 1373 (2001) and other relevant Security Council resolutions on the prevention and suppression of terrorism, with the cooperation of the National Committee for Coordinating Efforts to Counter International Terrorism; and

3. Organizing workshops and training courses on ways and means of combating terrorism.

In order to enhance awareness-raising activities and to encourage and facilitate the implementation of the basic principles of resolution 1373 (2001) and other relevant Security Council resolutions in the Democratic Republic of the Congo, the National Committee for Coordinating Efforts to Counter International Terrorism will have to conduct a series of seminars and workshops with the aim of:

(a) providing basic training in the principles of combating international terrorism;

(b) raising the awareness of actors at all levels of government structures with regard to national implementation;

(c) laying the necessary groundwork for cooperation with foreign authorities and international organizations to prevent and suppress terrorist acts;

(d) carrying out an analytical study of existing international instruments on international terrorism in order to help national experts identify incompatibilities; and

(e) analysing existing domestic measures with a view to incorporating the various international conventions on combating terrorism to which the country is already a party into our national legislation.

Comments and recommendations emanating from these seminars, workshops and various forums will help the Technical Secretariat of the National Committee for Coordinating Efforts to Counter International Terrorism, in cooperation with the

Commission to Reform Congolese Law, to prepare a draft law entitled "National Act on the Prevention and Suppression of International Terrorism".

The draft law should contain an important provision on prevention and protection which criminalizes, inter alia, the financing of terrorism, the establishment, organization and functioning of terrorist organizations and the perpetration of terrorist acts. The draft law should prescribe appropriate penalties for these offences commensurate with their seriousness.

D. Recommendations

Substantial financial and technical assistance will enable the National Committee for Coordinating Efforts to Counter International Terrorism to coordinate the work of awareness-raising and implementing international conventions on terrorism in cooperation with the Commission to Reform Congolese Law and the national services concerned.

The extent of this financial assistance and detailed plans for organizing the seminars will be transmitted in due course to the United Nations Office on Drugs and Crime in Vienna.

Done in New York on 9 December 2002

(*Signed*) Zénon **Mukongo Ngay**
First Counsellor
Legal Counsel

United Nations S/2003/387

Security Council

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Letter dated 31 March 2003 from the Chairman and the incoming Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

On 17 January 2003 the Committee established pursuant to paragraph 6 of Security Council resolution 1373 (2001) (the Counter-Terrorism Committee) submitted a work programme for the sixth 90-day period (S/2003/72). Annexed hereto is the Committee's work programme for the seventh 90-day period (see annex).

The Committee will continue to cooperate with States on the implementation of resolution 1373 (2001), working even-handedly and transparently. It expects each State to achieve marked advances in its overall counter-terrorism capacity as quickly as it can. It will continue to base its dialogue on the reports submitted pursuant to paragraph 6 of resolution 1373 (2001), and on direct contacts with States, including by the Committee's subcommittees and experts. The Committee will offer guidance to States on raising their capacity in the areas covered by the resolution and, where appropriate, facilitate the provision of relevant assistance programmes. The Committee will develop its role as a catalyst to ensure that all reasonable assistance requests are met.

The Committee will further deepen and strengthen its contacts with relevant international, regional and subregional organizations on the matters covered by resolution 1373 (2001), building on the outcomes of the special meeting held on 6 March. It will work towards increasing the global information flow, including by further developing a directory of contact points and improving the Committee's web site to encompass all relevant information. It will encourage regional and subregional organizations, as well as international organizations, to develop, consistent with their mandates, their own activities and action plans for 2003/2004.

The Committee welcomes the support it has received so far from Member States, the Secretariat and international, regional and subregional organizations. It pays tribute to the contribution of its team of independent experts.

03-30863 (E) 030403

We should be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman until 4 April 2003
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

(*Signed*) Inocencio F. **Arias**
Chairman as from 5 April 2003
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

Annex

Work programme of the Counter-Terrorism Committee (1 April-30 June 2003)

1. The present document sets out the work programme of the Counter-Terrorism Committee for its seventh 90-day period, from 1 April to 30 June 2003. This work programme updates that submitted for the sixth 90-day period (S/2003/72, annex).

Summary

2. The Committee will:

(a) By 30 April:

- Send an outcome pack of papers arising from the special meeting held on 6 March to relevant international, regional and subregional organizations and all Permanent Missions
- Improve its directory of contact points, incorporating all new details
- Circulate monthly as appropriate the "matrix of assistance needs"
- Complete the review of 260 reports

(b) By 31 May:

- Complete the review of 300 reports
- Improve its web site, creating sections on international best practices, codes and standards relevant to the implementation of resolution 1373 (2001) and on regional action
- Contact every organization involved in monitoring international best practices, codes and standards, with a view to exploring improved coordination and information exchange

(c) By 30 June:

- Complete the review of 350 reports

1. Improving the flow of information

3. The Committee will continue to operate transparently and will take every opportunity to improve further the flow of information on matters concerning the implementation of resolution 1373 (2001), with a view to facilitating the development of a global information network on counter-terrorism.

4. The Committee will update and improve its directory of contact points, and publish it at regular intervals. The Committee encourages all States and organizations to ensure that the details in the directory are accurate. The directory will include contact points in all States and relevant international, regional and subregional organizations. The directory is accessible on the Committee's web site (www.un.org/sc/ctc).

5. The Committee will further develop its web site as a comprehensive information source on the matters covered by resolution 1373 (2001). It will maintain and enhance its "Directory of Counter-Terrorism Information and Sources

of Assistance". It will create new areas of its web site devoted to other aspects of international cooperation. The Committee encourages all regional and subregional organizations to submit information on their activities and action plans for inclusion in a section on "Regional Action". It encourages all relevant organizations to submit information on international best practices, codes and standards relevant to the implementation of resolution 1373 (2001), as well as guidance and assistance relating to the application of such best practices, codes and standards.

6. The Committee encourages all States and international, regional and subregional organizations to contribute to the development of a global information network by April 2004. They should make information available on their own aims and activities, using the Committee and its web site as a tool for disseminating information, be aware of and where possible benefit from the activities of others, and develop cooperation on counter-terrorism matters.

2. Implementation of resolution 1373 (2001)

7. The Committee and its subcommittees will continue to review the reports submitted by States pursuant to paragraph 6 of resolution 1373 (2001).

8. The Committee had, by 31 March 2003, received 343 reports from States and others. This includes first reports from 187 Member States and 5 others, second reports from 125 Member States and one other, and third reports from 22 Member States. Reports had not yet been submitted by four Member States. A total of 55 Member States and others were late in submitting a second report.

9. The Committee will, as requested by the Security Council in resolution 1456 (2003), report regularly on progress in the area of States' response to the reporting obligation pursuant to paragraph 6 of resolution 1373 (2001). The action to take forward the matters contained in resolution 1456 (2003) is set out in the Committee's note (S/2003/198). The Committee will, by 4 April, write to the Security Council reporting on the state of play.

10. The Committee urges all States to submit reports on the matters covered by resolut on 1373 (2001) according to the timetable set out by the Committee, and to respond to the comments and questions set out in the Committee's letters as fully as possible. It encourages all States that have not yet submitted a report or are late in submitting a further report, if they would find it helpful, to meet the relevant subcommittee or experts to discuss the issues relating to the submission of reports. Meetings can be arranged through the Committee Secretary (tel: 1 (212) 963-3520 or 1 (212) 457-1886; fax: 1 (212) 963-7878; e-mail: ctc@un.org).

11. The Committee expects every State to further the implementation of resolution 1373 (2001) at its fastest capable speed. In its exchanges with each State, the Committee will continue to focus on the issues of priority for the State concerned. It has defined three stages of implementation (A, B and C), as set out in the previous work programmes. It is anticipated that States will tackle the stage A priorities before moving on to stage B and then C (although, as noted in previous work programmes, for some States the Committee may identify additional priorities).

12. The Committee will bear in mind international best practices, codes and standards relevant to the implementation of resolution 1373 (2001) when preparing and finalizing outgoing letters to the States. Where appropriate, States will be invited through the Committee's letters to inform the Committee of the details of

any efforts to implement international best practices, codes and standards, to submit as part of their reporting to the Committee a copy of any relevant reports or questionnaires submitted to other organizations involved in monitoring international best practices, codes and standards, and to inform the Committee of the findings or conclusions reached by such organizations.

13. Assistance and guidance will continue to be a key part of the Committee's contact with States. It will continue to identify for the consideration of States areas in which assistance might be available and of use. A section on assistance and guidance will continue to appear in the Committee's letters to States, and the matter will be raised where appropriate in meetings between the Committee's subcommittees and experts and representatives of the State concerned.

3. Dialogue with international, regional and subregional organizations

14. At the Committee's special meeting with international, regional and subregional organizations, held on 6 March, participants agreed that all relevant organizations had a specific role to play in enhancing the effectiveness of global action against terrorism, and recognized the high value of cooperation at the global level.

15. The Committee welcomes the participation in its special meeting on 6 March of some 60 international, regional and subregional organizations. It will send by 4 April to all participants and all Permanent Missions a pack of papers arising from the meeting, including the outcome document; a list of participants; the Chairman's concluding remarks; the summary record; and the Committee's follow-up action plan.

16. As follow-up to that meeting, the Committee will deepen the exchange of information on the matters covered by resolution 1373 (2001) with and among relevant international, regional and subregional organizations and States. The Committee will take forward action arising from the special meeting inter alia in the ways set out below.

17. The Committee will ensure that information is available on its web site on international best practices, codes and standards relevant to the implementation of resolution 1373 (2001), as noted in paragraph 5 above. Member States are encouraged to comply with such standards and codes. The Committee encourages relevant international, regional and subregional organizations to develop guidance on the best practices, codes and standards within their purview aimed at promoting the wider implementation of such codes and standards.

18. The Committee will encourage international, regional and subregional organizations to share information on monitoring. As a first step, the Committee's experts will, by 31 May 2003, contact every organization involved in monitoring such codes and standards to explore avenues of cooperation and information exchange.

19. The Committee will encourage all organizations to contribute to its directory of contact points. They should make full use of these contact details to deepen cooperation and to facilitate the flow of information between such organizations and within each region.

20. The Committee welcomes the offer by the Organization of American States (OAS) to host a follow-up to the 6 March special meeting for the representatives of regional and subregional organizations. It will cooperate with and support OAS on the aims, content, structure and participation of the meeting.

21. The Committee will host a meeting during the work period of technical agencies and organizations whose activities relate to the control of the use of or access to nuclear, chemical, biological and other deadly materials to evaluate ways to enhance the effectiveness of global action against terrorism in this area. The action to take forward the matters contained in resolution 1456 (2003) is set out in the Committee's note (S/2003/198). The Committee intends to invite to the meeting the International Atomic Energy Agency, the Organization for the Prohibition of Chemical Weapons, the World Customs Organization and Interpol.

22. As noted in paragraph 5 above, the Committee will create a "Regional Action" section on its web site. The Committee encourages all regional and subregional organizations to step up their action on counter-terrorism, consistent with their mandates, and develop and share action plans for 2003/2004. The Committee's web site is a tool for sharing information.

23. The Committee will encourage regional and subregional organizations to develop an awareness of the implementation of resolution 1373 (2001) and other relevant international best practices, codes and standards across their region, and to identify any needs for assistance. Such information should be communicated to the Committee and potential assistance providers.

4. Facilitating the provision of assistance

24. The Committee will work with the goal of ensuring that every reasonable request is met during 2003/2004.

25. The Committee has developed a "Directory of Counter-Terrorism Information and Sources of Assistance", available on its web site (www.un.org/sc/ctc). The Directory is designed to be a source of information on best practices, model laws and available assistance programmes on counter-terrorism issues. The Committee encourages all States seeking assistance or guidance on the matters covered by resolution 1373 (2001) to use this online information tool.

26. The Committee, its subcommittees and experts stand ready to offer guidance and advice to States on any aspect of their implementation of resolution 1373 (2001). States are encouraged to contact the Committee, subcommittees and experts through the Committee Secretary (tel: 1 (212) 963-3520 or 1 (212) 457-1886; fax: 1 (212) 963-7878; e-mail: ctc@un.org or ctcexperts@un.org).

27. The Committee and its experts stand ready to facilitate wherever possible the provision of assistance programmes to States furthering their implementation of resolution 1373 (2001).

28. The Committee has produced a "matrix of assistance needs" summarizing assistance needs and requests in the areas covered by resolution 1373 (2001). The Committee will, in consultation with each State, develop and maintain the matrix of needs to ensure that it includes comprehensive information on each State's assistance needs (if any) and an indication of the relative priorities for each State's requests. The matrix is not available online, but is circulated monthly to States and

international, regional and subregional organizations as appropriate to enable potential providers of technical assistance to access a centralized, comprehensive list of assistance needs. Those wishing to see it may apply to the technical assistance team (tel: 1 (212) 457-1080/1044; fax: 1 (212) 457-4041; e-mail: ctc@un.org or ctcexperts@un.org).

29. The Committee will encourage assistance providers to incorporate in wider capacity-building programmes a focus on building counter-terrorism capacity; give training a higher priority; and ensure that all assistance programmes are timely and results focused. The Committee will explore what further instruments are needed in this area.

5. Transparency in the work of the Committee

30. Transparency will continue to be a hallmark of the work of the Counter-Terrorism Committee.

31. The Committee will continue to communicate on a regular basis information on its activities, including through briefings by the Chairman to interested delegations.

32. It will maintain an informative web site (www.un.org/sc/ctc) which will increasingly become a source of information on all aspects of resolution 1373 (2001).

33. The Chairman and the Committee's experts will continue to inform organizations outside the United Nations of the Committee's work through attendance at regional meetings and conferences.

34. States are encouraged to make direct contact with the subcommittees or experts to seek any clarification necessary on the issues covered in their correspondence with the Committee or on any other issue.